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THE PORTSMOUTH PEACE CONFERENCE.

BY F. DE MARTENS.

For five weeks the attention of the whole civilized world was centred on the little town of Portsmouth, New Hampshire, where had come together the representatives of the two great belligerent nations, Russia and Japan, whose mission was to endeavor to put an end to a destructive war which had been raging in the Far East for eighteen months. That all countries were interested in this meeting is easily understood, for the diplomatic negotiations were conducted in an absolutely exceptional manner and the objects at stake were far-reaching. It was evident to everybody that this conference was not only going to stop the war, but, at the same time, was to create a completely new state of things in the Far East. And a still further cause of interest in the reunion sprang from the world's admiration for the generous spirit of initiative shown by President Roosevelt, who had brought together the two warring peoples whose representatives were assembled on the hospitable shores of America for the purpose of making "a just and lasting peace."

On September 5th, the treaty of peace was concluded. It is quite evident that, at the present writing, before the ratification and promulgation of the act, it is not possible to give an exact

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and impartial opinion of the work accomplished at Portsmouth. Yet, because of the exceptional interest which the treaty has awakened, it may be well, even now, to try and throw some light on certain of its judicial and diplomatic bearings. But, in so doing, I ought to inform the reader at the very outset that he must not expect from me any revelations, concerning either the conduct of the diplomatic negotiations or the factors which finally brought about the conclusion of the treaty. I should like to present some observations on the exceptional circumstances under which the Portsmouth Conference worked and which nevertheless ended in the conclusion of a peace. Because of the great importance which precedent plays in diplomatic affairs, it has appeared to me absolutely necessary to point out the conflicts and misunderstandings which may arise at future conferences conducted on the lines followed by the representatives of Russia and Japan at Portsmouth.

Before taking up the question of the conduct of the negotiations at the Conference, I wish once more to dwell on the important bearing on this whole affair of President Roosevelt's acts.

Last May, the Chief Magistrate of the United States made known to the Emperor of Russia and the Emperor of Japan his sincere belief that the moment was come for the two belligerents to ask themselves the question whether it was not possible to put an end to the war and conclude peace. In some quarters, there was a disposition to look upon this initiative of the President as misplaced, if not quite contrary to all laws. It is my opinion, however, that this action of Mr. Roosevelt was absolutely in accord with the new and nobler ideas solemnly sanctioned by The Hague Conference of 1899. It was then and there that twenty-five Powers of Europe, America and Asia took upon themselves the moral engagement not to rebuff the good offices of a neutral State in the case of international conflicts. The American delegation to The Hague Conference proposed the idea that, when difficulties arose between nations, neutrals might be called upon to offer their good offices, in order to smooth away existing causes of dispute, and thus prevent war. The French delegation also developed the same proposition.

In view of these plain facts, it cannot be questioned that President Roosevelt's action was perfectly correct, based as it was not only on moral grounds, but also on solid legal grounds.

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It should be furthermore noted that the initiative of the President of the United States was forthwith seconded by the Emperor of Germany, and by the general approval of all nations of the civilized world. Consequently, the generous action of President Roosevelt ought to be applauded, not only by the American people, but by the whole universe. And may I be permitted to express the hope that President Roosevelt's conduct may serve as a worthy example for others to follow?

In accordance with the proposal of President Roosevelt, Russia and Japan named their plenipotentiaries, who were sent to Portsmouth, and on August 10th began the negotiations between the two belligerent nations.

In order to comprehend the manner in which the negotiations at Portsmouth were conducted, and how the final result was obtained, it is indispensable to take into account all the exceptional circumstances under which those negotiations were carried on. Two circumstances especially had a decisive influence on the conduct of the business, viz., the fact that there was no armistice between the land and sea forces of the two belligerent nations at the moment of the opening of the Conference, and the complete ignorance in which everybody was kept concerning the conditions of peace which Japan intended to try to force Russia to accept. These two things played such an important part, that I think it necessary to devote a few words to their consideration.

I take up first the matter of the armistice, or rather the absence of an armistice. If one runs over the history of those diplomatic negotiations whose purpose it was to conclude a peace between two warring nations, it will be found that almost never have belligerent governments begun negotiations until military operations were first suspended. It might even be proclaimed as a recognized principle of international law that a suspension of arms, or an armistice, should always precede peace negotiations. Thus, if we examine the peace treaties since the beginning of the last century, we find that a truce was invariably declared before the diplomats came together.

In 1866 Austria and Prussia concluded to put an end to the war that had broken out between them in Bohemia. So the fighting was stopped while the *pourparlers* were in operation at Nikolsburg. When in February, 1871, Thiers and Jules Favre went to Ferrières to consult with Count Bismarck about the

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possibility of peace between France and Germany, an armistice was the preliminary condition for the meeting of the negotiators who later drew up the preliminary treaty of peace at Versailles. The same rule has been observed by other belligerent Powers, and especially by Russia and Turkey in 1878.

It is only proper that diplomatic negotiations looking towards peace should never run the risk of being interrupted by fresh acts of hostility by armies in the field. This principle is so solidly established that the exception created by the Portsmouth Conference cannot overturn it. Quite the contrary; for it is this very exception which proves the practical and indisputable advantage of this principle. Thus, to cite an example drawn from this very Portsmouth Conference, during the voyage of the Russian and Japanese plenipotentiaries to America, the Japanese land and sea forces disembarked on the island of Saghalin, a large portion was conquered, and even the name of the island was changed. Up to the moment of this occupation, the Japanese had not a square foot of Russian territory in their possession; and later, in the course of the peace negotiations, this conquest was made to play an important part; the demand was made that Russia cede this great island to Japan. If an armistice, or even a suspension of arms, had been concluded before the Conference was arranged, this conquest could not have taken place. Diplomatic negotiations carried on under such circumstances are liable at any moment to give rise to surprises.

To show the practical bearing of these observations, it may be well to point out other surprises that might have happened during the Conference. Let us suppose that the plenipotentiaries had agreed on the stipulations of the proposed treaty of peace, and that they were on the point of signing the document, when, suddenly, it was learned that the Japanese army had obtained another brilliant victory over the Russian army. Is it not evident that this fresh feat of arms might have changed the whole diplomatic situation, given rise to new exigencies and checked, at the very conclusion of its labors, the entire work of the Conference? Or, on the other hand, if General Linievitch had been able, on the eve of the Portsmouth treaty, to inflict a defeat on the Japanese, is it not plain that this fact would have had a decisive influence on the conduct of the Russian Government and have retarded the signing of the convention?

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But neither of these things happened in the case under review. The two armies of Russia and Japan remained in their camps and only a few slight skirmishes took place. Yet, it should be remembered that, if there was a *de facto* suspension of arms and if military operations did not upset the labors of the diplomats, this was largely due to the physical and climatic conditions of Manchuria, where until early September torrential rains precluded action on the part of either army.

The other peculiar characteristic of the Portsmouth Conference was the complete darkness in which we all were concerning the conditions on which Japan would make peace. Heretofore, when a defeated nation found herself forced to enter into diplomatic *pourparlers* looking to a conclusion of peace, proposed by her adversary, the latter never made a secret of the conditions. Consequently, when the negotiations began, a fixed programme had already been settled upon in such cases, and the representatives of the belligerent nations could forthwith consider the exigencies of the one party and the desires of the other. A peace conference, which is to treat concerning the most important interests of nations, should not be a sort of surprise-box, but all the details should be carefully arranged beforehand.

Before coming to the Conference, the Japanese Government had refused to communicate to anybody whatsoever its wishes or demands. It is almost certain that not even England, her ally, knew what were Japan's conditions of peace. The consequence was that, when we met, the intentions of one of the parties to the Conference were quite unknown. It was evident, therefore, that this state of obscurity which continually surrounded the proceedings was sure to give rise to surprises and dangerous misunderstandings, which was the case more than once.

The Portsmouth Conference, consequently, so it seems to me, teaches the necessity for Governments intending to take part in an international meeting to settle beforehand the various points which are to be considered. If this general rule ought to be applied to all international conferences, it is especially necessary that it be observed in the case of peace conferences.

Now that I have touched upon some of the exceptional features of the Portsmouth Conference, I will consider briefly the conduct of the negotiations, in which I took a modest part. But, as I have already said, it is not my intention to make any sensational

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revelations or indulge even in any criticisms. The moment has not yet come to examine the Conference critically; and, as for revelations, there remains but little to reveal after the work in that direction of the thousand-eyed American Press, about whose rôle at Portsmouth I will take the liberty to make a few remarks.

Heretofore it has been an axiom in the diplomatic world that absolute secrecy concerning the proceedings of a Conference is the *sine quâ non* of its success. Consequently, at the first sitting of all international congresses, the delegates of the various governments represented agree to reveal nothing that transpires there. This rule was also observed on the opening day of the Portsmouth Conference. In European countries, the keeping of the promise is nearly always possible. In the United States, the contrary has been found to be true. It is an admitted fact that most of the secret negotiations of the Conference were revealed and immediately published by the American newspapers.

The pressmen or correspondents of the American dailies know no secret. In their eyes, the public has the right to be told of everything that interests it; and, as the Portsmouth Conference held the attention not only of the American people, but of the whole world, the American Press considered it to be the duty of every "newspaper man," worthy of the name, to take all possible means to put the public *au courant* of everything said and done at the Navy Yard, and elsewhere too. I am certain that in no other country and at no other international congress has the Press played so important a part as in the United States at the Portsmouth Conference; and I consider it my duty to add that never perhaps has the daily journal exercised so beneficent an influence as during these proceedings. The fact is that, as the whole universe and the United States in particular most earnestly desired the end of the war and the establishment of peace, the American Press put itself, at the very beginning of the Portsmouth negotiations, at the service of this noble idea.

If, at the beginning of the negotiations, American sympathies leaned perhaps a little more towards the Japanese, the American Press did much to hold the balance even between the two belligerents. From the moment when the newspaper world in the United States was convinced that Russia had the right to expect respect for its interests and dignity, the American Press changed its attitude, perceiving that only by respecting these

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just requirements of Russia could there be any hope of securing peace. Then it was that the daily organs of the United States became a powerful auxiliary of the friends of peace and concord. It is, therefore, with the greatest pleasure that I render this homage to the American Press, and seize the occasion to express my personal gratitude for the kind and honorable way in which I was treated by the pressmen of the United States.

The conclusion which I would draw from the foregoing facts is this: though secrecy should continue to be the rule generally observed in these international diplomatic meetings, circumstances sometimes require that this course should be abandoned.

During three long weeks the *pourparlers* between the representatives of the two Powers seemed to show the absolute impossibility of attaining the desired object, that is, peace. There were especially two obstacles in the way—the Japanese demands that Russia should cede Saghalin and that Russia should pay Japan a war indemnity. These two conditions Russia categorically rejected, and the failure of the Conference seemed inevitable. Then it was that the President of the United States, again basing his action on the principles of The Hague Convention, considered himself once more justified in intervening between the two disputing nations. At first, Mr. Roosevelt proposed that a Commission composed of neutrals, whose decision, however, would not be binding on the contending parties, should fix the amount of the sum that Russia should pay to Japan. But this proposal was immediately abandoned because of its evidently impracticable nature. The second intervention of the President was more effective and happy. Japan was now to be asked to withdraw her demand for an indemnity, and the Tsar, who desired sincerely to see the unfortunate war ended, was to consent to the cession of the southern portion of the island of Saghalin. It was at the sitting of August 29th that an accord, based on these mutual concessions, was brought about; and, during the six days that followed, the stipulations of the definitive treaty of peace were drawn up by a commission named for that purpose. At last, on September 5th, the treaty was concluded, and a battery of artillery, in front of the building where the sittings had been held, fired a salute of nineteen guns in honor of the great event.

Such, in a few words, were the circumstances attending the conclusion of the Treaty of Peace of Portsmouth. Although the

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various stipulations of this document are already known to the world, it does not seem to me proper to consider them here, as the instrument has not yet been ratified by the two sovereigns of Russia and Japan. But a few general reflections will be in order; for the negotiations over this treaty, as well as the whole conduct of the war, present odd and exceptional peculiarities.

Thus, though for eighteen months a bitter and mighty conflict was waged between two great military nations; though battles, almost unexampled as regards the number of troops engaged and the intensity of artillery fire, were fought,—yet all these bloody encounters and these gigantic operations were carried on, not on the territories of the belligerent states, but within the boundaries of a neutral Power! Furthermore, it should be noted that Chinese neutrality had been solemnly guaranteed at the opening of the campaign by both of the belligerents, as well as by the great neutral Powers. Never before, in the history of the civilized world, has a war been conducted under such conditions.

These peculiarities of the Russo-Japanese war are evidently reflected in the character of the stipulations of the treaty of peace. Of the fifteen articles of that document, more than half have to do with the rights of territorial possession and the sovereignty of Corea and China—that is to say, of two states which were in no way belligerents, but formally and legally neutral. The clauses of the treaty which relate to the island of Saghalin, to the fisheries on the Siberian coast and to the renewal of commercial relations between Russia and Japan, these clauses alone have a direct and exclusive relation to the contracting and recently hostile states. It would be hard to find a similar example in the peace treaties concluded up to the present time by civilized nations.

In closing, perhaps I may be permitted to express my personal and unhesitating opinion that the Treaty of Portsmouth will remain for the future a solid ground of concord between Russia and Japan, and that it will constitute at the same time a strong tie of friendship between Russia and the United States. The Russian nation will never forget the generous initiative taken by the President of the great American Republic; and Russia's representatives at the Portsmouth Conference will always recall with peculiar pleasure the cordial and sympathetic hospitality which they enjoyed on American soil.

F. DE MARTENS.

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ENGLISH IDIOSYNCRASIES.—I.

BY W. D. HOWELLS.

NOTHING is so individual in any man as the peculiar blend of characteristics which he has inherited from his racial ancestries. The Englishman, who leaves the stamp of the most distinct personality upon others, is the most mixed, the most various, the most relative of all men. He is not English except as he is Welsh, Dutch, and Norman, with "a little Latin and less Greek" from his earliest visitors and invaders. This conception of him will indefinitely simplify the study of his nature if it is made in the spirit of the frank superficiality which I propose to myself. After the most careful scrutiny which I shall be able to give him, he will remain, for every future American, the contradiction, the anomaly, the mystery which I expect to leave him.

I.

No error of the Englishman's latest invader is commoner than the notion, which perhaps soonest suggests itself, that he is a sort of American, tardily arriving at our kind of consciousness, with the disadvantages of an alien environment, after apparently hopeless arrest in unfriendly conditions. The reverse may much more easily be true; we may be a sort of Englishmen, and the Englishman, if he comes to us and abides with us, may become a sort of American. But that is the affair of a possible future, and the actual Englishman is certainly not yet any sort of American, unless, indeed, for good and for bad, he is a better sort of Bostonian. He does not even speak the American language, whatever outlandish accent he uses in speaking his own. It may be said, rather too largely, too loosely, that the more cultivated he is, the more he will speak like a cultivated American, until you come to the King, or the Royal Family, with whom a

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strong German accent is reported to prevail. The Englishman may write American, if he is a very good writer, but in no case does he spell American. He prefers, as far as he remembers it, the Norman spelling, and, the Conqueror having said "*geôle*," the Conquered print "gaol" which the American invader must pronounce "jail," not "gayol."

The mere mention of the Royal Family advances us to the most marked of all the superficial English characteristics; or, perhaps, loyalty is not superficial, but is truly of the blood and bone, and not reasoned principle, but a passion induced by the general volition. Whatever it is, it is one of the most explicitly as well as the most tacitly pervasive of the English idiosyncrasies. A few years ago — say, fifteen or twenty — it was scarcely known in its present form. It was not known at all with many in the time of the latest and worst of the Georges, or the time of the happy-go-lucky sailor William; in the earlier time of Victoria, it was a chivalrous devotion among the classes, and with the masses an affection which almost no other sovereign has inspired. I should not be going farther than some Englishman if I said that her personal character saved the monarchy; when she died there was not a vestige of the republican dream which had remained from a sentiment for "the free peoples of antiquity" rather than from the Commonwealth. Democracy had indeed effected itself in a widespread socialism, but the kingship was safe in the hearts of the Queen's subjects when the Prince of Wales, who was the first of them, went about praising loyalty as prime among the civic virtues and duties. The notion took the general fancy, and met with an acceptance in which the old superstition of kings by divine right was resuscitated with the vulgar. One of the vulgar lately said to an American woman who owned that we did not yield an equal personal fealty to all our Presidents, "Oh, yes, but you know that it is only your *people* that choose the President, but *God* gave us the King." Nothing could be opposed to a belief so simple, as in the churches of the eldest faith the humble worshipper could not well be told that the picture or the statue of his adoration was not itself sacred. In fact, it is not going too far, at least for a very adventurous spirit, to say that loyalty with the English is a sort of religious principle. What is with us more or less a joke, sometimes bad, sometimes good, namely,

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our allegiance to the powers that be in the person of the Chief Magistrate, is with them a most serious thing, at which no man may smile without loss.

I was so far from wishing myself to smile at it, that I darkled most respectfully about it, without the courage to inquire directly into the mystery. If it was often on my tongue to ask, "What is loyalty? How did you come by it? Why are you loyal?"—I felt that it would be embarrassing when it would not be offensive, and I should vainly plead in excuse that this property of theirs mystified me the more because it seemed absolutely left out of the American nature. I perceived that in the English it was not less really present because it was mixed, or used to be mixed, with scandal that the alien can do no more than hint at. That sort of abuse has long ceased, and if one were now to censure the King, or any of the Royal Family, it would be felt to be rather ill-bred, and quite unfair, since royalty is in no position to reply to criticism. Even the Socialists would think it ill-mannered, though in their hearts, if not in their sleeves, they must all the while be smiling at the notion of anything sacred in the Sovereign.

Loyalty, like so many other things in England, is a convention to which the alien will tacitly conform in the measure of his good taste or his good sense. It is not his affair, and in the mean time it is a most curious and interesting spectacle; but it is not more remarkable, perhaps, than the perfect acquiescence in the aristocratic forms of society which hedge the King with their divinity. We think that family counts for much with ourselves, in New England or in Virginia; but it counts for nothing at all in comparison with the face value at which it is current in England. We think we are subject to our plutocracy, when we are very much out of humor or out of heart, in some such measure as the commoners of England are subject to the aristocracy; but that is nonsense. A very rich man with us is all the more ridiculous for his more millions; he becomes a byword if not a hissing; he is the meat of the paragrapher, the awful example of the preacher; his money is found to smell of his methods. But in England, the greater a nobleman is, the greater his honor. The American mother who imagines marrying her daughter to an English duke, cannot even imagine an English duke—say, like him of Devonshire, or him of Northumberland, or him of Norfolk—with the social power and state which wait upon him in his duchy and in

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the whole realm; and so is it in degree down to the latest and lowest of the baronets, and of those yet humbler men who have been knighted for their merits and services in medicine, in literature, in art. The greater and greatest nobles are established in a fear which is very like what the fear of God used to be when the common people feared Him; and, though they are potent political magnates, they mainly rule as the King himself does, through the secular reverence of those beneath them for their titles and the visible images of their state. They are wealthy men, of course, with so much substance that, when one now and then attempts to waste it, he can hardly do so; but their wealth alone would not establish them in the popular regard. His wealth does no such effect for Mr. Astor in England; and mere money, though it is much desired by all, is no more venerated in the person of its possessor than it is with us. It is ancestry, it is the long uncontested primacy of families first in their place, time out of mind, that lays its resistless hold upon the fancy and bows the spirit before it. By means of this comes the sovereign effect in the political as well as the social state; for, though the people vote into or out of power those who vote other people into or out of the administration, it is always—or so nearly always that the exception proves the rule—family that rules, from the King down to the least *attaché* of the most unimportant embassy. No doubt many of the English are restive under the fact; and, if one had asked their mind about it, one might have found them frank enough; but, never asking, it was with amusement that I heard said once, as if such a thing had never occurred to anybody before, "Yes, isn't it strange that those few families should keep it all among themselves!" It was a slender female voice, lifted by a young girl with an air of pensive surprise, as at a curious usage of some realm of faery.

England is in fact, to the American, always a realm of faery, in its political and social constitution. It must be owned, concerning the government by family, that it works, and works well. That justifies it, so far as the exclusion of the immense majority from the administration of their own affairs can be justified by anything; though I hold that the worst form of graft in office is hardly less justifiable: it is, at least, one of the people picking their pockets. But it is the universal make-believe behind all the practical virtue of the state that constitutes the English

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monarchy a realm of faery. The whole population, both the great and the small, by a common effort of the will, agree that there is a man or a woman of a certain line who can rightfully inherit the primacy amongst them, and can be dedicated through this right to live the life of a god, to be so worshipped and flattered, so cockered about with every form of moral and material flummery, that he or she may well be more than human not to be made a fool of. Then, by a like prodigious stroke of volition, the inhabitants of the enchanted island universally agree that there is a class of them which can be called out of their names in some sort of title, bestowed by some ancestral or actual prince, and can forthwith be something different from the rest, who shall thenceforth do them reverence, them and their heirs and assigns, forever. By this amusing process, the realm of faery is constituted, a thing which could not have any existence in nature, yet by its existence in fancy becomes the most absolute of human facts.

II.

It is not surprising that, in the conditions which ensue, snobbishness should abound; the surprising thing would be if it did not abound. Even with ourselves, who by a seven years' struggle burst the faery dream a century ago, that least erected spirit rears its loathly head from the dust at times, and in our polite press we can read much if we otherwise see nothing of its subtle influence. But no evil is without its compensating good, and the good of English snobbishness is that it has reduced loyalty, whether to the prince or to the patrician, from a political to a social significance. That is, it does so with the upper classes; with the lower, loyalty finds expression in an unparalleled patriotism. An Englishman of the humble or the humbler life may know very well that he is not much in himself; but he believes that England stands for him, and that royalty and nobility stand for England. Both of these, there, are surrounded by an atmosphere of reverence wholly inconceivable to the natives of a country where there are only millionaires to revere.

The most curious thing is that the persons in the faery dream seem to believe it as devoutly as the simplest and humblest of the dreamers. The persons in the dream apparently take themselves as seriously as if there were or could be in reality kings and lords. They could not, of course, do so if they were recently dreamed,

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as they were, say, in the France of the Third Empire. There, one fancies, these figments must have always been smiling in each others' faces when they were by themselves. But the faery dream holds solidly in England because it is such a very old dream. Besides, the dream does not interfere with the realities; it even honors them. If a man does any great thing in England, the chief figure of the faery dream recognizes his deed, stoops to him, lifts him up among the other figures, and makes him part of the dream forever. After that he has standing, such as no man may have with us for more than that psychological moment, when all the papers cry him up, and then everybody tries to forget him. But, better than this, the dream has the effect, if it has not the fact, of securing every man in his place, so long as he keeps to it. Nowhere else in the world is there so much personal independence, without aggression, as in England. There is apparently nothing of it in Germany; in Italy, every one is so courteous and kind that there is no question of it; in the French Republic and in our own, it exists in an excess that is molestive and invasive; in England alone does it strike the observer as being of exactly the just measure.

Very likely the observer is mistaken, and in the present case he will not insist. After all, even the surface indications in such matters are slight and few. But what I noted was that, though the simple and humble have to go to the wall, and for the most part go to it unkicking, in England they were, on their level, respectfully and patiently entreated. At a railroad junction one evening, when there was a great hurrying up stairs and down, and a mad seeking of wrong trains by right people, the company's servants who were taking tickets, and directing passengers this way and that, were patiently kind with futile old men and women, who came up, in the midst of their torment, and pestered them with questions as to the time when trains that had not arrived would leave after they did arrive. I shuddered to think what would have at least verbally happened to such inquirers with us; but, there, not only their lives but their feelings were safe, and they could go away with such self-respect as they had quite intact. In no country less good-hearted than England could anything so wrong-headed as the English baggage system be suffered. But, there, passengers of all kinds help the porters to sort their trunks from other people's trunks, on arrival at their stations,

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and apparently think it no hardship. The porters, who do not seem especially inspired persons, have a sort of guiding instinct in the matter, and wonderfully seldom fail to get the things together for the cab, or to get them off the cab, and, duly labelled, into the luggage-van. Once, at a great junction, my porter seemed to have missed my train, and after vain but not unconsidered appeals to the guard, I had to start without it. At the next station, the company telegraphed back at its own cost the voluminous message of my anxiety and indignation, and I was assured that the next train would bring my valise from Crewe to Edinburgh. When I arrived at Edinburgh, I casually mentioned my trouble to a guard whom I had not seen before. He asked how the bags were marked, and then he said they had come with us. My porter had run with them to my train, but in despair of getting to my car with his burden, had put them into the last luggage-van, and all I had to do was now to identify them at my journey's end.

Why one does not, guiltily or guiltlessly, claim other people's baggage, I do not know; but apparently it is not the custom. Perhaps in this, the deference for any one within his rights, peculiar to the faery dream, operates the security of the respective owners of baggage that could otherwise easily be the general prey. While I saw constant regard paid for personal rights, I saw only one case in which they were offensively asserted. This was in starting from York for London, when we attempted to take possession of a compartment we had paid for from the nearest junction, in order to make certain of it. We found it in the keeping of a gentleman who had turned it from a non-smoking into a smoking compartment, and bestrewn it with his cigar ashes. When told by the porters that we had engaged the compartment, he refused to stir, and said that he had paid for his seat, and he should not leave it till he was provided with another. In vain they besought him to consider our hard case, in being kept out of our own, and promised him another place as good as the one he held. He said that he would not believe it till he saw it, and as he would not go to see it, and it could not be brought to him, there appeared little chance of our getting rid of him. I thought it best to let him and the porters fight it out among themselves. When a force of guards appeared, they were equally ineffective against the intruder, who could not or did not say that he did

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not know the compartment was engaged. Suddenly, for no reason, except that he had sufficiently stood, or sat, upon his rights, he rose, and the others precipitated themselves upon his hand-baggage, mainly composed of fishing-tackle, such as a gentleman carries who has been asked to somebody's fishing, and bore it away to another part of the train. They left one piece behind, and the porter who came back for it was radiantly smiling, as if the struggle had been an agreeable exercise, and he spoke of his antagonist without the least exasperation; evidently, he regarded him as one who had justly defended himself from corporate aggression; his sympathies were with him rather than with us, perhaps because we had not so vigorously asserted ourselves.

A case in which a personal wrong rather than a personal right was offensively asserted, was that of a lady, young and too fair to be so unfair, in a crowded train coming from the Doncaster Races to York. She had kept a whole first-class compartment to herself, putting her maid into the second-class adjoining, and heaping the vacant seats with her hand baggage, which had also overflowed into the corridor. At the time the train started she was comforting herself in her luxurious solitude with a cup of tea, and she stood up, as if to keep other people out. But, after waiting, seven of us, in the corridor, until she should offer to admit us, we all swarmed in upon her, and made ourselves indignantly at home. When it came to that she offered no protest, but gathered up her belongings, and barricaded herself with them. Among the rest there was a typewriting machine, but what manner of young lady she was, or whether of the journalistic or the theatrical tribe, has never revealed itself to this day. We could not believe that she was very high-born, not nearly so high, for instance, as the old lady who helped dispossess her, and who, when we ventured the hope that it would not rain on the morrow, which was to be St. Leger Day, almost lost the kindness for us inspired by some small service, because we had the bad taste to suggest such a possibility for so sacred a day.

I never saw people standing in a train, except once, in a very crowded car in Wales, when two women, decent elderly persons, got in and were suffered to remain on foot by the young men who had comfortable places. No one dreamed, apparently, of offering to give up his seat, and I had some ado to make one of the poor things sit on the end of my inverted valise. On the other hand,

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a superior civilization is shown in what I may call the manual forbearance of the trolley and railway folk, who are so apt to nudge and punch you at home here, when they wish your attention. The like happened to me only once in England, and that was at Liverpool, where the tram-conductor, who laid hands on me instead of speaking, had perhaps been corrupted by the unseen American influences of a port at which we arrive so abundantly and indiscriminately.

III.

I did not resent the touch, though it is what every one is expected to do, if aggrieved, and every one else does it in England. Within his rights, every one is safe; though there may be some who have no rights. If there were, I did not see them, and I suppose that, as an alien, I might have refused to stand up and uncover when the band began playing "God Save the King," as it did at the end of every musical occasion; I might have urged that, being no subject of the King, I did not feel bound to join in the general prayer. But that would have been churlish, and, where every one had been so civil to me, I did not see why I should not be civil to the King, in a small matter. In the aggregate indeed, it is not a small matter, and I suppose that the stranger always finds the patriotism of a country molestive. Patriotism is, at any rate, very disagreeable, with the sole exception of our own, which we are constantly wishing to share with other people, especially with English people. We spare them none of it, even in their own country, and yet many of us object to theirs; I feel that I am myself being rather offensive about it, now, at this distance from them. Upon the whole, not caring very actively for us, one way or the other, they take it amiably; they try to get our point of view, and, as if it were a thorn, self-sacrificially press their bosoms against it, in the present or recent *entente cordiale*. None of their idiosyncrasies is more notable than their patience, their kindness with our divergence from them; but I am not sure that, having borne with us when we are by, they do not take it out of us when we are away.

We are the poetry of a few, who, we like to think, have studied the most deeply into the causes of our being, or its excuses. But you cannot always be enjoying poetry, and I could well imagine that our lovers must sometimes prefer to shut the page. The common gentleness comes from the common indifference, and

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from something else that I will not directly touch upon. What is certain is that, with all manner of strangers, the English seem very gentle, when they meet in chance encounter. The average level of good manners is high. My experience was not the widest, and I am always owning it was not deep; but, such as it was, it brought me to the distasteful conviction that in England I did not see the mannerless uncouthness which I often see in America, not so often from high to low, or from old to young, but the reverse. There may be much more than we infer, at the moment, from the modulated voices, which sweetens casual intercourse, but there are certain terms of respect, almost unknown to us, which more obviously do that effect. It is a pity that democracy, being the fine thing it essentially is, should behave so rudely. Must we come to family government, in order to be filial or fraternal in our bearing with one another? Why should we be so blunt, so sharp, so ironical, so brutal in our kindness?

The single-mindedness of the English is beautiful. It may not help to the instant understanding of our jokes; but then, even we are not always joking, and it does help to put us at rest and to make us feel safe. The Englishman may not always tell the truth, but he makes us feel that we are not so sincere as he; perhaps there are many sorts of sincerity. But there is something almost caressing in the kindly pause that precedes his perception of your meaning, and this is very pleasing after the sense of always having your hearer instantly on to you. When, by a chance indefinitely rarer than it is with us at home, one meets an Irishman in England, or better still an Irishwoman, there is an instant lift of the spirit; and, when one passes the Scotch border, there is so much lift that, on returning, one sinks back into the embrace of the English temperament, with a sigh for the comfort of its soft unhurried expectation that there is really something in what you say which will be clear by and by.

Having said so much as this in compliance with the frequent American pretence that the English are without humor, I wish to hedge in the interest of truth. They certainly are not so constantly joking as we; it does not apparently seem to them that fate can be propitiated by a habit of pleasantry, or that this is so merry a world that one need go about grinning in it. Perhaps the conditions with most of them are harder than the conditions with most of us. But, thinking of certain Englishmen I have

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known, I should be ashamed to join in the cry of those story-telling Americans whose jokes have sometimes fallen effectless. It is true that, wherever the Celt has leavened the doughier Anglo-Saxon lump, the expectation of a humorous sympathy is greater; but there are subtile spirits of Teutonic origin whose fineness we cannot deny, whose delicate gayety is of a sort which may well leave ours impeaching itself of a heavier and grosser fibre.

IV.

No doubt you must sometimes, and possibly oftenest, go more than half-way for the response to your humorous intention. Those subtile spirits are shy, and may not offer it an effusive welcome. They are also of such an exquisite honesty that, if they do not think your wit is funny, they will not smile at it, and this may grieve some of our jokers. But, if you have something fine and good in you, you need not be afraid they will fail of it, and they will not be so long about finding it out as some travellers say. When it comes to the grace of the imaginative in your pleasantry, they will be even beforehand with you. But in their extreme of impersonality they will leave the initiative to you in the matter of humor as in others. They will no more seek out your peculiar humor than they will name you in speaking with you.

Nothing in England seeks you out, except the damp. Your impressions, you have to fight for them. What you see or hear seems of accident. The sort of people you have read of your whole life, and are most intimate with in fiction, you must surprise. They no more court observance than the birds in whose seasonable slaughter society from the King down delights. In fact, it is probable that, if you looked for both, you would find the gunner shyer than the gunned. The pheasant and the fox are bred to give pleasure by their chase; they are tenderly cared for and watched over and kept from harm at the hands of all who do not wish to kill them for the joy of killing, and they are not so elusive but they can be seen by easy chance. The pheasant especially has at times all but the boldness of the barnyard in his fearless port. Once from my passing train, I saw him standing in the middle of a ploughed field, erect, distinct, like a statue of himself, commemorative of the long ages in which his heroic death and martyr sufferance have formed the pride of princes and the peril of poachers. But I never once saw him shot, though almost

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as many gunners pursue him as there are pheasants in the land. This alone shows how shy the gunners are; and when once I saw the trail of a fox-hunt from the same coign of vantage without seeing the fox, I felt that I had almost indecently come upon the horse and hounds, and that the pink coats and the flowery spread of the dappled dogs over the field were mine by a kind of sneak as base as killing a fox to save my hens.

Equally with the foxes and the pheasants, the royalties and nobilities abound in English novels, which really form the chief means of our acquaintance with English life; but the chances that reveal them to the average unintroduced, unpresented American are rarer. By these chances, I heard, out of the whole peerage, but one lord so addressed in public, and that was on a railroad platform where a porter was reassuring him about his luggage. Similarly, I once saw a lady of quality, a tall and girlish she, who stood beside her husband, absently rubbing with her glove the window of her motor, and whom but for the kind interest of our cabman we might never have known for a duchess. It is by their personal uninsistence largely, no doubt, that the monarchy and the aristocracy exist; the figures of the faery dream remain blent with the background, and appear from it only when required to lay corner-stones, or preside at races, or teas or bazars, or to represent the masses at home and abroad, and invisibly hold the viewless reins of government.

Yet it must not be supposed that the commoner sort of dreamers are never jealous of these figments of their fancy. They are often so, and rouse themselves to self-assertion as frequently as our Better Element flings off the yoke of Tammany. At a fair, open to any who would pay, for some forgotten good object, such as is always engaging the energies of society, I saw moving among the paying guests the tall form of a nobleman who had somehow made himself so distasteful to his neighbors that they were not his friends, and regularly voted down his men, whether they stood for Parliament or County Council, and whether they were better than the popular choice or not. As a matter of fact, it was said that they were really better, but the people would not have them because they were his; and one of the theories of English manliness is that the constant pressure from above has toughened the spirit and enabled Englishmen to stand up stouter and straighter each in his place, just as it is contended elsewhere

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that the æsthetic qualities of the human race have been heightened by its stresses and deprivations in the struggle of life.

For my own part, I believe neither the one theory nor the other. People are the worse for having people above them, and are the ruder and coarser for having to fight their way. If the triumph of social inequality is such that there are not four men in London who are not snobs, it cannot boast itself greater than the success of economic inequality with ourselves, among whom the fight for money has not produced of late a first-class poet, painter or sculptor. The English, if they are now the manliest people under the sun, have to thank not their masters but themselves, and a nature originally so generous that no abuse could lastingly wrong it, no political absurdity spoil it. But if this nature had been left free from the beginning, we might see now a nation of Englishmen who, instead of being bound so hard and fast in the bonds of an imperial patriotism, would be the first in a world-wide altruism. Yet their patriotism is so devout that it may well pass itself off upon them for a religious emotion, instead of the superstition which seems to the stranger the implication of an England in the next world as well as in this.

V.

We fancy that, because we have here an Episcopal Church, with its hierarchy, we have something equivalent to the English Church. But that is a mistake. The English Church is a part of the whole of English life, as the army or navy is; in English crowds, the national priest is not so frequent as the national soldier, but he is of as marked a quality, and as distinct from the civil world, in uniform, bearing and aspect; in the cathedral towns, he and his like form a sort of spiritual garrison. At home here you may be ignorant of the feasts of the Episcopal Church without shame or inconvenience; but in England you had better be versed in the incidence of all the holy days if you would stand well with other men, and would know accurately when the changes in the railroad time-tables will take place. It will not do to have ascertained the limits of Lent; you must be up in the Michaelmases and Whitmondays, and the minor saints' days. When once you have mastered this difficult science, you will realize what a colossal transaction the disestablishment of the English Church in England would be, and how it would affect the whole social fabric.

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But, even when you have learned your lesson, it will not be to you as that knowledge which has been lived, and which has no more need ever to question itself than the habitual pronunciation of words. If one has moved in good English society, one has no need ever to ask how a word is pronounced, far less to go to the dictionary; one pronounces it as one has always heard it pronounced. The sense of this gives the American a sort of despair, like that of a German-or-French-speaking foreigner, who perceives that he never will be able to speak English. The American is rather worse off, for he has to subdue an inward rebellion, and to form even the wish to pronounce some English words as the English do. He has, for example, always said "financier," with the accent on the last syllable; and if he has consulted his Webster he has found that there was no choice for him. Then, when he hears it pronounced at Oxford by the head of a college with the accent on the second syllable, and learns on asking that it is never otherwise accented in England, his head whirls a little, and he has a sick moment, in which he thinks he had better let the verb "to be" govern the accusative as the English do, and be done with it, or else telegraph for his passage home at once. Or stop! He must not "telegraph," he must "wire."

As for that breathing in the wrong place which is known as dropping one's aitches, I found that in the long time between the first and last of my English sojourns, there had arisen the theory that it was a vice purely cockney in origin, and that it had grown upon the nation through the National Schools. It is grossly believed, or boldly pretended, that till the National School teachers had conformed to the London standard in their pronunciation the wrong breathing was almost unknown in England, but that now it was heard everywhere south of the Scottish border. Worse yet, the teachers in the National Schools had scattered far and wide that peculiar intonation, that droll slip or twist of the vowel sounds by which the cockney alone formerly proclaimed his low breeding, and the infection is now spread as far as popular learning. Like the wrong breathing, it is social death "to any he that utters it," not indeed that swift extinction which follows having your name crossed by royalty from the list of guests at a house where royalty is about to visit, but a slow, insidious malady, which preys upon its victim, and finally destroys him after his lifelong struggle to shake it off. It is even worse than the wrong

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breathing, and is destined to sweep the whole island, where you can nowhere, even now, be quite safe from hearing a woman call herself "a lydy." It may indeed be the contagion of the National School teacher, but I feel quite sure, from long observation of the wrong breathing, that the wrong breathing did not spread from London through the schools, but was everywhere as surely characteristic of the unbred in England as nasality is with us. Both infirmities are of national origin and extent, and both are individual or personal in their manifestation. That is, some Americans in every part of the Union talk through their noses; some Englishmen in every part of the kingdom drop their aitches.

The English-speaking Welsh often drop their aitches, as the English-speaking French do, though the Scotch and Irish never drop them, any more than the Americans, or the English of the second generation among us; but that extremely interesting and great little people are otherwise as unlike the English as their mother-language is. They seem capable of doing anything but standing six feet in their stockings, which is such a very common achievement with the English, but that is the fault of nature which gave them dark complexions and the English fair. Where the work of the spirit comes in, it effects such a difference between the two peoples as lies between an Eisteddfod and a horse-race. While all the singers of Wales met in artistic emulation at their national musical festival at Rhyl, all the gamblers of England met in the national pastime of playing the horses at Doncaster. More money probably changed hands on the events at Doncaster than at Rhyl, and it was characteristic of the prevalent influence in the common civilization (if there is a civilization common to both races) that the King was at Doncaster and not at Rhyl. But I do not say this to his disadvantage, for I was myself at Doncaster and not at Rhyl. You cannot, unless you have a very practised ear, say which is the finer singer at an Eisteddfod, but almost any one can see which horse comes in first at a race.

What is most striking in the mixture of strains in England is that it apparently has not ultimately mixed them; and perhaps after a thousand years the racial traits will be found marking Americans as persistently. We now absorb, and suppose ourselves to be assimilating, the different voluntary and involuntary immigrations; but doubtless after two thousand years the African, the

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Celt, the Scandinavian, the Teuton, the Gaul, the Hun, the Latin, the Slav will be found atavistically asserting his origin in certain of their common posterity. The Pennsylvania Germans have as stolidly maintained their identity for two centuries as the Welsh in Great Britain for twenty, or, so far as history knows, from the beginning of time. The prejudices of one British stock concerning another are as lively as ever, apparently, however the enmities may have worn themselves away. One need not record any of these English prejudices concerning the Scotch or Irish; they are too well known; but I may set down the opinion of a lively companion in a railroad journey that the Welsh are "the prize liars of the universe." He was an expert accountant by profession, and his affairs took him everywhere in the three Kingdoms, and this was his settled error; for the Welsh themselves know that, if they sometimes seem the prey of a lively imagination, it is the philologically noted fault of their language, which refuses to lend itself to the accurate expression of fact, but which would probably afford them terms for pronouncing the statement of my accountant inexact. He was perhaps a man of convictions rather than conclusions, for, though he was a bright intelligence, of unusually varied interests, there were things that had never appealed to him. We praised together the lovely September landscape through which we were running, and I ventured some remark upon the large holdings of the land: a thing that always saddened me in the face of nature with the reflection that those who tilled the soil owned none of it; though I ought to have remembered the times when it owned them, and taken heart. My notion seemed to strike him for the first time, but he dismissed the fact as a necessary part of the English system; it had never occurred to him that there could be question of that system. There must be many Englishmen to whom it does occur, but if you do not happen to meet them you cannot blame the others.

I fancied that one of the Englishmen to whom it might have occurred was he whom I met in Wales at Aberystwith, where we spoke together a moment in the shadow of the coeducational University there, and who seemed at least of a different mind concerning the Welsh. "These Welsh farmers," he said, "send their sons and daughters to college as if it were quite the natural thing to do. But just imagine a Dorsetshire peasant sending his boy to a University!"

W. D. HOWELLS.

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JAPAN'S COMMERCIAL ASPIRATIONS.

BY FREDERIC COURTLAND PENFIELD.

"The Pacific Ocean, its shores, its islands, and the vast region beyond, will become the chief theatre of events in the world's great hereafter."—WILLIAM H. SEWARD in the United States Senate, 1858.

So much has been published, since the signing of the peace agreement at Portsmouth, of Japan's golden future as a trading nation that readers may be forgiven for coming to believe that the sturdy yellow men are hereafter to dominate the trade of the Orient as completely as their strategy and courage mastered Russia's military strength on land and sea. No country has ever been written of to the extent that Japan has been by Americans and Englishmen in the past two or three years; and the amazing successes of the Japanese army and navy so fired the admiration of journalists having to do with the war that the pens of many of them ran riot when they came to write of what Japan would be after the conflict. But to elevate the Japanese by a few sounding phrases to an immediate commercial importance in the Far East, to the obvious exclusion of the United States, Great Britain, Germany and France—with no intervening formative period, and no upbuilding processes—is scarcely permissible.

None better know the amount of hard work that will be required to give their nation a secure place in commerce than the Japanese themselves; and, throughout the Island Empire, the determination to take advantage of the opportunity now presented is well-nigh unanimous.

Japan's scheme for national betterment, already inaugurated, is presumably as carefully prepared as was the war programme. The Mikado's Empire emerged from the Russian war with energies enormously aroused, and every condition now favors a speedy realization of the dream of empire, giving to Japan an

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importance amounting almost to sovereignty over the Far East. The new treaty with Great Britain should have a steadying influence on the policy of the Tokyo Government.

By the war, and by the subsequent negotiations at Portsmouth, Japan gained practically everything she sought, except an indemnity covering expenses in the campaign. It is well to recall that it was Russia's presence in Manchuria, forbidding the mainland of Asia to the rapidly increasing population of the Island Empire, that caused the conflict. Hence, to supplant Russia in the Liao-tung peninsula, to gain proprietorship over Port Arthur and Dalny, a goodly section of the railway connecting Manchuria with the Trans-Siberian line, and a control over Corea practically amounting to guardianship, are enormous rewards, compared with which failure to secure a money indemnity is insignificant.

With the transition of Japan from war to peace, the process of fiscal recuperation and industrial development will be watched with keen interest. At the close of the war, Japan's public debt approximated $870,000,000, which sum, apportioned among Nippon's 47,000,000 inhabitants, is $18.71 *per capita*. The sum properly chargeable to the war is $600,000,000, or thereabouts; it will be reduced when the Japanese treasury is reimbursed for the support for months of many thousand Russian prisoners. Whatever the total, the ambitious and sturdy people of Japan are not disposed to regard it as an excessive burden, and it is their determination to treat the bonded debt as a spur to active industry.

A large part of the debt incurred before the war was for public works, most of which are productive. Funds realized from early loans, both foreign and domestic, as well as a portion of the income from the Chinese indemnity, were invested in commercial enterprises owned and fostered by the Empire; and the Government receives a considerable benefit from the public railways, tobacco monopoly, woollen-mills, and a few other industrial ventures. The railways are extremely profitable, and the large sums spent in the creation of post-offices, telephones and telegraph lines, port facilities, etc., have proved wise investments.

No country can present a better foundation for industrial and commercial development at this time than Japan, and the signing of the peace agreement probably marks the beginning of an

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era of national growth that may challenge the admiration of the world, as did the feats of arms of Oyama and Togo. The war cemented classes in Japan almost to a condition of homogeneity. Practically every subject of the Mikado believed in the necessity for the conflict, and made sacrifices to contribute to the cost thereof. Distinctions of class are now seldom thought of in Japan, and it contributes mightily to the material improvement of a nation to have a single language. The descendants of the samurai class acknowledge the need for trade on a grand scale, and they are only too ready to embark in manufacturing and trading enterprises. There are scarcely ten great fortunes in the realm, and the number of subjects removed from activity by even moderate affluence is remarkably small. Likewise, the number of persons reckoned in the non-producing class, through dissipation or infirmity, is insignificant. And, more potent than all these reasons, which unite to assist in the expansion of Japanese industry and thrift, is the intense patriotism of the people, stimulated by signal success in two wars against foreign nations of overwhelming populations, as well as the recognition from high and low that Japan's golden opportunity has arrived. Almost to a man, the Japanese want to employ their sinews and intellect in elevating the Land of the Rising Sun to an honored place among progressive nations.

The Japanese exchequer is at present a long way from depletion, by reason of the $150,000,000 loan secured in America, England and Germany. Probably two-thirds of this remains to Japan's credit in the countries mentioned. Many Tokyo bankers believed the loan unnecessary, inasmuch as there were funds in hand sufficient to finance the war well into 1906, had peace not been agreed upon. But the flotation was deemed wise, not alone because of prevailing ease in the money-market, but for the effect that an oversubscribed loan in America and Europe would have upon the Tsar's Government. The portion of the loan remaining unused is available for giving immediate effect to Japan's industrial propaganda, and presumably will be spent for the endless machinery demanded by the factories and shipyards that are to transform Japan into a workshop, for structural metal, and for steel rails, cars and locomotives for railways in Manchuria and Corea; and generally for the hundred and one purposes which are to play a part in the development of lands hitherto out of step

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in the march of enterprise, and where strife has until now stifled the usual manifestations of man's desire to improve his surroundings.

There is no likelihood of a reduction in Japan's debt for a long time, but its weight upon the people may be reduced by conversions. As the national credit strengthens, the interest on borrowings may be correspondingly decreased. Consequently, there may be frequent funding operations and new issues, until seven and six per cent. bonds shall have given place to obligations bearing five per cent. interest or less. To provide funds for early railway-building, a considerable amount of capital was borrowed at as high a rate as ten per cent. When these obligations expire, all necessary money can be found in the country for less than half the present rate. Japan is fortunate in having many sound financiers to invite to her official councils. Tokyo and Yokohama bankers are competent and progressive, and these men pronounce Japan's present financial position sound, and claim that the country can easily carry the existing debt.

In natural resources Japan is not well-to-do. Examine the country in as friendly a spirit as one may, little is discovered to support any statement that the country may become prosperous from products of the soil. In truth, Japan is nearly as unproductive as Greece or Norway, for only sixteen per cent. of her soil is arable. The mountain ranges and peaks and terraced hills that make the country scenically attractive to the tourist almost prohibit agriculture. The lowlands, separating seacoast from the foot-hills, and the valleys generally, are given over to rice-culture; and these contribute largely towards sustaining the people. Where valleys are narrow, and on hillside patches, cultivation is carried on wholly by hand. In recent years, the use of phosphates and artificial fertilizers has been encouraged by the Government; and, with the educational work now in hand, scientific husbandry may result in an increase of crops from the circumscribed tillable area. The country's forests cannot be sacrificed, and grazing-lands for flocks and herds scarcely exist.

A recent magazine writer, holding a doleful view of Japan's agricultural condition, wholly overlooked the silk and tea crops in his search for natural products, an error obviously fallen into because of the fact that these are not raised on what governmental reports call "tillable ground"—that is to say, they are produced

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outside the sixteen per cent. "arable" area. Silk is Japan's important salable crop, two-thirds of which is exported in its raw state. In the past two years, the silk exports have averaged $55,000,000. Japan grows the tea consumed by her own people, and, besides, sends annually $6,500,000 worth to market.

If the rice crop might be exported, it would realize $200,000,000 each year. But no food may be sent abroad, for it is a sad fact that Japan is capable of feeding only two-thirds of her people. Last year it was necessary to import foodstuffs to the extent of $47,000,000. The Japanese benefit by the supply of fish secured from the seas washing her shores. When it is realized that Japan's rapidly growing population cannot be sustained by her soil and fisheries, the real reason for her resistance of Russia's aggression on the mainland may be understood, for, ten years hence, Japan's crowding millions, confined to her own islands, would experience the pangs of hunger.

"Having deposits of coal and iron, why may not Japan be developed into the Eastern equivalent of England?" ask stay-at-home admirers of the Japanese, who believe that to the Japanese nothing is impossible. The Mikado's territory has coal, iron and copper, it is true; but in no instance is the mineral present to an extent that could make it a national asset of importance. Bituminous coal of good quality is mined at several points, and it is used by Japanese commercial and naval vessels; but elsewhere in the East it has to compete with Chinese and Indian coal. It is said in Nagasaki that Japan's coal will last another two centuries; but were it mined on the same scale as American and British coal it would be exhausted in a generation. The greatest efforts have been made to produce iron ore in paying quantities, and, in several instances, public assistance has been lent to the industry; but seldom has a ton of ore been raised that has not cost twice its market value. Japan is determined to become a maker of iron; and to this end it was reported in Tokyo a few weeks ago that a long lease had been secured of an important mineral tract in China, whose ore blends advantageously with Mexican and Californian hematite. Another rumor in official Tokyo is that the Government has secured in Manchuria a seam of coal fifty feet in thickness, covered by a few feet of soil, that is contiguous to transportation and cannot be exhausted in hundreds of years. A valuable acquisition in conquered Saghalin—

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not noted by the newspapers—is a vast area of beds of coal and iron. These may enable Japan, in her determination to become a manufacturing nation, to be independent eventually of other countries for basic supplies. But success in this direction is problematical and remote, to say the least.

For two thousand years, Japan has mined copper in a limited way, but the production of the metal is carried on at present without much profit. When the Chinese Government recently required a large quantity of copper, the order was sent to the United States. Japan cannot be considered as a producer of minerals of sufficient importance to aspire to a profitable career through them, for the yearly aggregate value of all minerals, including gold from the Formosa mines, is not more than $20,000,000.

The inevitable query in the reader's mind is, How is the Japanese—knowing it is now or never with him, and that he is poor in all save ambition and enterprise—going to create for his beloved Nippon a position of prominence and security in the fast-rushing, selfish world?

The Japanese possess some quality of golden value, otherwise cautious capitalists in America and Europe would never have lent them $360,000,000. What is it?

Japan's asset of importance is the awakened energy of her people; this is the soundest security back of the bond issues. It won the war over Russia, and persons familiar with the Japanese character believe it is now going to win commercially and industrially. Japanese bonds stood as firm as the rock of Gibraltar on the world's exchanges when it became known that Russia was to pay no indemnity. The information provoked street riots in Tokyo; but Japanese securities moved only fractionally in New York and London.

Two countries have long been keenly observed by enlightened Japanese. The Japanese study America as a model industrial land, and they get manufacturing ideas from us; but they look to Great Britain for everything that has to do with empire, with aggrandizement, and with diplomacy. To them England is a glittering object-lesson of a nation existing in overcrowded islands, extending its rule to other lands and other continents, producing endless articles needed by mankind, and carrying these to the ends of the earth in their own ships. These Japanese have per-

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ceived that the interchange of commodities between most countries of the globe is preponderatingly in the hands of the British —in fact, that the enterprise of British merchant or British shipowner has placed practically the whole universe under tribute.

May not insular Japan become in time the Asiatic equivalent of Great Britain? Japan is advantageously located, and by common consent is now dominant in the Far East. Years ago, England ceased to be an agricultural country; and the products of British workshops now buy food from other nations and provide, besides, for the keeping of a money balance at home. Nature has decreed that Japan, likewise, can never be an agricultural land. Why, then, may she not do what England has done? England has her India, pregnant with the earth's bounty, and her Australia, yet awaiting completer development by man. Why may not the great Middle Kingdom become the handmaid of Japan, without any disturbance of dynastic affairs, and primitive Corea be a fair equivalent of the Antipodean continent? It is known to be Japan's plan to speedily colonize Corea and Manchuria with her surplus population.

"Prestige and opportunity make this attainable," insist the ambitious sons of Japan; "and, while it is probably too late to expand the political boundaries of our Empire, we surely may make Nippon the seat of a mighty commercial control, including in its sphere all of China proper, Manchuria and Corea—welding them into 'commercial colonies' of Japan."

"But are not these countries stipulated and guaranteed by the Powers to be 'open-door' countries—meaning that your people can enjoy no special trade advantage in them?" you ask.

"Emphatically are they open to the enterprise of all comers; but there are four potential advantages that must accrue to the benefit of Japanese trade — geographical position, necessity for recouping the cost of the war, a nearly identical written language, and superabundance of capable and inexpensive labor. With these advantages and practical kinship, we fear no rivalry in the creation of business among the Mongol races," adds the man speaking for the new Japan.

It calls for little prescience to picture a mighty Japanese tonnage on the seas in the near future. Next to industrial development, the controlling article of faith of the awakening Japan is the creation of an ocean commerce great enough to make the

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Japanese the carriers of the Orient. There can be nothing visionary in this, for bountiful Asia is at present almost without facilities of her own for conveying her products to the world's markets. Indeed, were present-day Japan eliminated from consideration, it would be precisely correct to say that Asia possesses no oversea transportation facilities.

The merchant steamship is intended to play an important rôle in Japan's elevation. Shipping is to be fostered by the nation until it becomes a great industry, and it will be the aim of the Mikado's Government to provide for constructing ships for the public defence up to 19,000 tons burden, and making the country independent of foreign yards through being able to produce advantageously commercial vessels for any requirement. Japan is blind neither to the costliness of American-built ships nor to the remoteness of European yards. The war with Russia was not half over when it was apparent that Japan would not hereafter be dependent upon the outer world for vessels of war or of commerce.

In the war with China, eleven years ago, Japan had an insufficient number of vessels to transport her troops. The astute statesmen at Tokyo, recognizing the error of depending upon ships controlled by foreigners for the transportation requirements of an insular nation, speedily drafted laws looking to the creation of a native marine, which might be claimed in war time for governmental purposes. The bestowal of liberal bounties transformed Japan in a few short years from an owner of craft of the mere junk class to a proprietor of modern iron-built vessels of both home construction and foreign purchase. In the late campaign, there was no comparison between the seamanship of the agile son of Japan and that of the hulking peasant of interior Russia. Native adaptability and willingness to conform to strict discipline unite in making the Japanese a seaman whose qualities will be telling in times of peace.

Of late years, hundreds of clever young Japanese have served apprenticeships in important shipyards in America, England, Germany and France, with the result that there are to-day scores of naval architects and constructors in Japan who are the equals of any in the world. Whether as designers, yard-managers or directors of construction, the Japanese, with their special schooling, have now nothing to learn from foreign countries. The genius of some of these men played a part in Togo's great victories.

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Japanese men of affairs pretend to see little difficulty in the way of their nation controlling the building of ships for use throughout the East. Local yards are already constructing river gunboats and torpedo craft for the Chinese Government; and it is reasonable to believe that, a year or two hence, their hold upon the business will amount practically to a monopoly. British firms with yards at Singapore, Hong-Kong and Shanghai are not rejoiced at the prospect of Japanese rivalry. It is possible that the Japanese may become ship-builders for our own Philippine archipelago; certainly, no Corean order will hereafter go to other than a Japanese yard.

Already the shipyards of the islands are ringing with the sounds of Japan's upbuilding. The Government has under construction a battle-ship of 18,000 tons, as well as a cruiser of 12,000 tons; and the plant of the Mitsubishi Company, at Nagasaki—among the largest in the world—is to be enlarged to accommodate increasing demands. The enormous "Minnesota," of the Great Northern Steamship Company, has recently been repaired at Nagasaki in a dry dock having eighty feet in length to spare.

Japanese steamship lines already ply to Europe, Australia, Bombay, Eastern Siberia, China, Corea and Saghalin, and to San Francisco and Puget Sound ports. A company was recently formed to develop a service between Panama, the Philippines and Japanese ports, in anticipation of the completion of the Panama Canal; and, further perceiving the opportunity rapping at her door, Japan is preparing to place a line on the ocean that will bring the wool, hides and grain of the River Plate region to her markets at the minimum of expense. The undisguised purpose of this South-American venture is to get cheap wheat from Argentina. Rice in Japan is giving way, as a staple food, to bread made from wheat, or from a mixture of wheat and rice and other cereals. It is further known that Japan is casting covetous eyes on the trade of Brazil, and the line to the Plate may be extended to Brazilian ports.

In 1894, Japan had only 657,269 tons of merchant shipping; she has now upwards of a million tons, represented by 5,000 registered vessels. Almost half the steamers entering Japanese ports fly the flag of the Rising Sun, and Japan's tonnage at this time is greater than that of Russia, Austria, Sweden, Spain, Denmark or Holland. In the matter of oversea tonnage, Japan is far

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ahead of the United States. One fleet of Japanese mail-steamers, the Nippon Yusen Kaisha, whose president, Rempei Kondo, is one of Japan's most progressive men, is numerically and in tonnage larger than any ocean line under the Stars and Stripes. It has seventy ships, aggregating 236,000 tons. A dozen of its vessels, making the service between Yokohama and London, are fourteen-knot ships.

These facts should be considered by every American who complacently believes that the traffic of the countries and islands washed by the Pacific is open to American enterprise whenever we bid for it. When Eastern trade develops in magnitude, it may be found that the Japanese have laid permanent hold upon its carriage and interchange. John Bull, be it remembered, drove the American merchantman from the Atlantic; and Japan may capture the carrying business of the Pacific. It must be obvious that the nation which controls the transportation of the Far East can readily control its trade; and it is sounding no false alarm to cite facts and conditions which show that the awakening lands of Eastern Asia have more in store for energetic Japan than for the United States.

If it be conceded that Japan will absorb the bulk of the shipping of the Pacific as it develops, there are no valid reasons for fearing Japan as the trade competitor of the United States. Unquestionably, Japan is to exploit the industry of her people; but the same poverty of resources which makes this imperative insures for Uncle Sam a valuable partnership in the programme. Japan is bristling with workshops and mills, in which a hundred forms of handiwork will be developed; and, in a majority of these, the adaptive labor of the Japanese will fabricate, from materials drawn from America, scores of forms of merchandise, which Japanese enterprise will distribute throughout China, Manchuria, Corea and Japan—the "Greater Japan," as British publicists are calling that group of countries. Methods, materials, machinery, tools—all will be American.

Having made no systematic appeal for the trade of the Far East, in its broadest sense, America enjoys but small share of it. In the past few years our exports to Japan, however, have grown rapidly—chiefly in raw cotton and other unmanufactured materials. With Japanese selling-agents canvassing lands inhabited by half a billion people, the products of America are to have

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enhanced consumption. This trade in Mongol countries, although vicarious, may run to large dimensions.

The leading item of Japan's industrial promotion programme is to become manufacturer of a goodly portion of the textiles worn in her vast "sphere of commerce." The Japanese have seen that the British Isles, growing not a pound of cotton, spin and weave the staple for half the people of the earth, and they wish to profit by the example of their prosperous ally. To this end, cotton-mills have sprung into existence throughout Japan and in these American-grown fibre is transformed by the cheapest competent labor in the world into fabrics sold to the millions of China and Japan. It is certain that the chief manufacture of Japan will be cotton, and the production of woolen cloths may come next. It is interesting to know that Japan increased the value of her exports of cotton manufactures to China from $251,-363 in 1894 to $16,126,054 in 1904.

"Why not fabricate her own raw silk, and send it to market ready for wear?" asks the foreigner, reluctant to believe that Japan will seek to compete with Lancashire in the spinning of cotton. The answer is simple—it is because America is the principal purchaser of Japan's silk. Were it brought across the Pacific in manufactured form, the duty would be almost prohibitive; in its unmanufactured state, it enters this country free.

Great progress must be made before Japanese business may be considered a "menace" to any nation enjoying Eastern trade, for the yearly value of Japan's manufactures is now only about $150,000,000, an average of less than $3 *per capita* of her population. America has single cities that produce more. The combined capital of all organized industrial, mining, shipping, banking and agricultural undertakings in Japan is only $425,000,000, less than half that of the United States Steel Corporation.

The Mikado's Empire is bound to Great Britain by a political alliance of unusual force; but industrial Japan must, of necessity, be linked to the United States by commercial ties even stronger. Distance between Europe and Japan, and excessive Suez Canal tolls, give unassailable advantage to the United States as purveyor of unwrought materials to the budding New England of the Far East.

FREDERIC COURTLAND PENFIELD.

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THE JEW IN AMERICA.

BY PROFESSOR ABRAM S. ISAACS.

THE buoyancy and vitality of the Jewish people and their religion have stood the test of a long series of migrations from early Biblical times to the present exodus from Russia and Rumania. Sudden and violent changes which have sounded the death-knell of many races and religions, or have fused and cross-fertilized them beyond recognition, seem only to have vitalized the Jew. As his faith was to be universalized, so his people were to be scattered from land to land, from East to West,—the divine method of preventing any relapse into the Bedouin stage of development, with Judaism, not tribalism, his religion.

Such migrations of varying magnitude in the past, from Palestine to Babylonia, Persia, Egypt, and Asia Minor; from the Orient to Italy, Spain, and Central Europe, have occurred at critical periods, and were rarely voluntary but usually compulsory. There was generally no alternative between exile and death, apostasy and degradation. Then, as now, the Jew preferred the pilgrim's staff, the wanderer among the nations; and whether by the Guadalquivir or the Danube, in the dense forests of Germany, or in the fertile plains of Italy, the people remained on the whole faithful to their traditions. Bible and Talmud kept them from becoming Gipsies. Wherever they breathed the atmosphere of comparative freedom, they adapted themselves so thoroughly to each new environment that they added many a brilliant name to the science, philosophy, poetry and statecraft of their day. And, glad at heart, they cherished the older prophets' dream of a golden age of peace and brotherhood for mankind—a dream which was never wholly shattered even in the agonies of an *auto da fé*.

It is now 250 years since the beginnings of what is likely to

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prove the most momentous migration in Jewish history occurred on American soil. It is not surprising that such an event should have suggested the idea of a general celebration among the Jews of the United States. But, properly to understand the real significance of the first Jewish arrivals at New Amsterdam towards the end of 1654, it is necessary to consider the causes that led to their settlement and the circumstances which made it absolutely imperative for the Jew to seek a new home and a new opportunity. When the Old World offered no hope and little security or permanency, a New World was at hand for him and all who demand liberty as the first condition of existence.

On August 2nd, 1492, the great majority of the Jews of Spain were expelled, and after a brief stay in Portugal were scattered like criminals and outcasts among the nations. The act of expulsion was the culmination of a series of oppressions which ended their golden era in Spain in a night of unexampled horror. Turkey, Palestine, Venice, Poland, and Holland received the fugitives, who were long to feel the hand of their enemies even in apparent security. Thousands, however, still remained in Spain and Portugal who continued at heart Jews and secretly observed their ancestral customs, although outwardly they were good Catholics and leaders in church and state.

A day after the exile from Spain—one of those curious coincidences which occur so frequently in history as to be termed "providential"—Columbus set sail from Palos on his first eventful voyage. The close connection between the Jews and the discovery of America has now fairly been proved. It is known that several men of Jewish birth accompanied the Genoese, among them Luis de Torres, his interpreter; while his Jewish patron, Santangel, received from Columbus the first account of his discovery. Not only did astronomical works and scientific instruments prepared by Jews assist him greatly, but it was men of Jewish descent who finally succeeded in securing for him Queen Isabella's favor. In addition, the confiscated property of the unfortunate Jews was utilized for the expenses of the second voyage of Columbus. It was only historic justice, therefore, that America in later centuries should prove a welcome abiding-place for the Jewish people, and that the very steps which Spain took for their extermination should have paved the way for their signal prosperity—not the first time in history that an old-fashioned Biblical

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sentence should have been verified, nor the first weapon forged against the Jew which has failed to achieve its purpose.

The first Jewish settler on North-American soil, whose name has been preserved, arrived at New Amsterdam on July 8th, 1654, followed later in the same year by a storm-tossed party of twenty-three, presumably from Brazil, which country had shared with Mexico, Peru, Surinam, and the West Indies in the era of colonial expansion after the discovery of America. Brazil, however, had proved an undesirable home after the Portuguese had wrested it in 1654 from the Dutch, and allowed the spirit of the Inquisition full sway. Many of their residents returned to Holland or set sail for the French settlements and elsewhere in the West Indies; but others turned hopefully to New Amsterdam, which, with its Dutch masters, gave promise of happier days. How Peter Stuyvesant received them harshly, how he threatened their exclusion, how the Dutch West India Company directed him to grant them liberty to remain and trade, how gradually they grew in numbers and importance, how they obtained under English rule a larger share of civil and religious freedom and were, with some exceptions, stout patriots in 1776, closing their synagogue when the British held New York,—these incidents form but the introductory chapter to the development of the community after 1812, when it began to furnish noteworthy names in the professions, in finance and trade. The list was largely increased with the decades before and after the Civil War, when its synagogues and benevolent institutions assumed statelier proportions. Hither came, in swift succession, all branches of the Jewish stock from the West Indies, Germany, Poland, Hungary, Rumania, and Russia, until now the small band of luckless refugees who had to endure a full measure of Stuyvesant's wrath in 1654 have grown into a population of half a million and more and are a vital factor in New York's greatness.

The Jews were not slow to settle in other parts of the United States. In 1655, some went to Newport, Rhode Island, from New Amsterdam, to seek a more genial atmosphere; and their numbers were increased by the friendly attitude of Roger Williams's commonwealth. A century later, the community was to become the most prosperous in the land, with merchants of standing who made Newport the commercial capital years before New York assumed that dignity. The Touro synagogue and cemetery, the

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Lopez wharf, are reminders of old-time Jewish prominence and leadership in lines of industry. Philadelphia traces its earliest Jewish settler to 1703; its community kept pace with the general growth and supplied its quota of eminent names in science, education and philanthropy.

In the South, the Jewish pioneers came early. They reached Georgia soon after Oglethorpe had founded the colony and were admitted as settlers in 1733. Like their brethren in New York and Philadelphia, they were resolute patriots in the Revolution; while, in South Carolina, Francis Salvador died too early to participate in the struggle, but was of the same patriotic type as Haym Salomon, who so powerfully aided in maintaining the Republic's credit, and upon whose favor James Madison called himself a pensioner; G. M. Seixas, the "patriot minister" of New York; Barnard and Michael Gratz of Philadelphia, stanch in their patriotism; and others of their calibre who rallied in defence of American freedom.

The energy, persistence, and public spirit which marked the Jewish pioneers in the seventeenth and eighteenth centuries, when they participated in the activities of colonial times and contributed their share in the early decades of the Republic, were similarly displayed by their successors in the nineteenth century. They were among the settlers when the Ohio Valley was to be changed into busy cities and when Texas, California and Oregon were to be admitted to Statehood. In the early development of Texas they took part in comparatively large numbers, both in the field and the halls of legislation, and Galveston recalls some of them in grateful memory. Among the eager gold-seekers in California, not many years passed before they became prominent in law, medicine, art, finance and trade; while the Alaska seal-fisheries and mineral resources, the coal-fields of the Northwest and Canada, were to a great extent developed by the genius for enterprise of the California Jews. Perhaps in no single State in so short a time can so many notable names be mentioned in varied lines of usefulness. A similar activity was shown in Oregon, where, despite the limited Jewish population, national and State positions have been filled by the pioneers and their successors.

From this necessarily brief summary one fact is clear—that the genial American atmosphere, in which all creeds and na-

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tionalities so wondrously flourish, has been distinctly favorable to the Jew's advancement. Think how the Roman Catholics, and Baptists, and Methodists have gained in numbers, wealth, and prestige on American soil in the past hundred years. Such conditions, however, are peculiarly stimulating to the Israelite, who is only emerging from practical serfdom and repression in nearly every land, and who now, for the first time in centuries on so large a scale, is enabled to show his versatility, strength, ability, and character. He is practically unlimited in ambition and scope—with every profession and pursuit open to him. He is thus completely identified with his American environment, differing in no way from his non-Jewish neighbor, save in religious belief. He resents being singled out as peculiar or un-American, if thereby it is inferred that he is an alien. Judaism is as much at home in America as is Christianity; it is neither an anachronism nor a fossil.

What are the Jew's lines of occupation? He is active in business; he succeeds or fails according to his abilities. He enters every profession, is architect as well as plumber, is machinist, inventor, engineer, as well as merchant, lawyer, broker, pedler, drummer, or wage-earner in the sweat-shops. He can own mines or build theatres, run a ranch or a hotel. He can graduate from West Point or Annapolis, be painter or sculptor, financier or steamboat captain, motorman or policeman, steeple-jack or street-musician. He is emphatically no multi-millionaire, as some Baptists are, nor can it be said of him, as was stated a few years ago of Presbyterians, that sixteen prominent bank and trust company presidents in New York city were of that church and in good standing. His wealth is absurdly overrated: doubtless the proverb "as rich as a Jew" has much to answer for. Great masses of his people, not recent accessions exclusively, live from hand to mouth. A glance at the records of Jewish charitable societies in the large cities would show how widespread is Jewish poverty. He has his millionaires, it is true, in New York, Chicago, Philadelphia, San Francisco, but the number is very limited. Moderate fortunes, due to thrift and enterprise, are more common; but even these are not so numerous as is popularly supposed. It was easier to disprove the notion that heretics had tails than that all Jews are rich.

What have been the Jew's contributions to the United States?

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The United States receives various benefits from the creeds and classes that seek its shores; it is influenced by all in varied fashion, from the days of the Pilgrim Fathers in New England to the era of Italian and Russian immigration at New York. What characteristics have been most promising in the Jew's record of 250 years? What traits most positive for good?

First, his spirit of enterprise. It is this quality which placed him among the pioneers in the East and West, as trader and producer, developing new lines of industry or perfecting the old, and adding immensely to the aggregate of America's wealth. Ambitious, persistent, and undaunted by circumstance, he developed from small beginnings to attain remarkable success. Restless ambition spurred him to fresh endeavor until the goal was reached and fortune won. Hardly a town in the United States but bears witness to his activity, particularly in lines which are capable of wide extension. He has developed the little notions-counter into the department store, for example, with a completeness that would have been incredible a few decades ago.

Second, his breadth of view. The representative American Jew is never a bigot—he respects his neighbor's faith and usually gives to charities without distinction of creed, in the spirit of Adolph Hallgarten, whose bequests to institutions of various creeds included our colored brethren. He is quick to meet his neighbor on common ground, so broadening in our time; and on Thanksgiving Day and other occasions he is glad to welcome his Christian brother to his pulpit. In periods of stress, as in the Paterson fire of 1902, the synagogue is opened cordially to the church without thought of payment, even for an occupancy of several years. He recognizes his new environment and has outgrown the Ghetto point of view, at whatever cost to cherished traditions. He is quick to adopt in education and charity the best modern methods, and joins cheerfully in movements for social reform and civic progress. Judaism is to him a broad universalism, which demands active participation in the life of the day—a looking forward and not backward.

Third, his patriotism. The Jew is intensely an American. His patriotism is almost a religion. His pride in the Republic is unsurpassed. The flag-drill seen at its best among the thousand children of recently arrived emigrants from Russia at the Educational Alliance, New York, is strikingly characteristic. Even as

READING ASSOCIATION OF SOUTHERN CALIFORNIA

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children, they are taught to revere "One Country, One Flag!" It is not merely out of gratitude that the Jew reveres America as his native or adopted land—his feeling springs as well from the consciousness that only where civil and religious liberty is assured can the Jew call any land his own. Hence his children love to sing the hymn "America," although, as in the case of recent immigrants in general, it is not a "land where our fathers died." The Jew ceases to be a Pole, a German, a Russian, after the first generation has graduated from the public schools—he becomes an American. This sentiment accounts for the large number that volunteered in the Spanish War, whether as rough-riders or ordinary soldiers and seamen. He fought as bravely for the South as for the Union in the Civil War. He took part in the Revolution and the War of 1812.

But his most valuable trait is his love of education. The spirit that moves a poor pedler in a New York Jewish quarter to study Kant's philosophy while on his rounds, or to read in faithful translation Herbert Spencer or Darwin, is peculiar to the Jew and proves his moral superiority though his garments be torn and his occupation lowly. The same spirit impels the poorest to send his children to the public school and to aid them at great personal sacrifice to study for the learned professions; for he knows that education is the most enduring wealth he can bequeath. That Jewish students at school and college are among the most successful is the general testimony of teachers in every city; and, apart from natural aptitude, their high standing is due to the interest evinced by their parents and the value assigned to education. It is suggestive to note that attention is being paid more and more to manual and technical training, with some good effort in the direction of agricultural pursuits. There is little doubt that the study of the Talmud for ten centuries and more has done much to develop his brain-fibre and make almost innate a love of learning which neither poverty nor privation can weaken, and which prosperity—that ruthless solvent of old-fashioned virtues—cannot wholly destroy. It is encouraging to note the same spirit among the wealthier element, an increasing number of whose sons are turning from trade and entering the learned professions, where pecuniary advantages are least regarded.

With positive qualities for good, then, and the list is not exhausted, and with such an honorable record for the past 250 years,

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what of the future of the Jews of the United States? Is there no rift within the lute, no shadow on the dial, no reverse side to the mirror which exhibits so many admirable qualities?

The rapid increase in the Jewish population, due chiefly to emigration from Russia since 1881, has furnished a problem of considerable magnitude, which has severely taxed the energies of their American brethren. Yet the burden has been patiently and cheerfully borne and the solution is satisfactorily taking place without friction or annoyance. Save in overcrowded city centres, where foreign nationalities fasten root and thrive, the newcomers offer no problem at all and are proving an energetic and Americanized element of the people. They are spreading out in all directions, entering the various lines of trade and manufacture, and the more effectively they are distributed throughout the country, with many of them taking to the soil, they cease to be a subject of special concern. The diverse elements in American Jewry offer precisely the same difficulties as are presented by diverse elements in the general population and need arouse no greater apprehension. Unification is slow but sure in both instances, and one must patiently await results which cannot be hastened. What clouds, then, the future?

It is often said that certain tendencies in American thought are sapping the bulwarks of supernaturalism and thereby endangering vital Christian dogmas and doctrines. The peril to Judaism is less in a wave of agnostic or sceptical thought than in actual conditions of life and environment, which make Judaism almost impossible without a radical readjustment either of conditions or of Judaism. It is admittedly more and more difficult to maintain olden customs and observances which were deemed inviolable a few decades ago; and, if the destructive process continues much further, what will be left of Judaism to be transmitted to the future? A very minute and unrecognizable quantity, indeed. The Jewish Sabbath is practically disregarded. Home ceremonials, which have so magically promoted family love and unity, have almost wholly vanished. If American liberty spells for the American Israelite disloyalty to his religion, it is not an unmixed blessing. There are many Israelites by birth, too, who never attend synagogue, refuse to associate with Jewry, and court Christian society as evidence of a superior culture and refinement,—some, but only a few of the first genera-

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tion, submitting to baptism. Intermarriage is on the increase undoubtedly; few families are entirely free from what has always been regarded by the Jew as a bar sinister, not from any intolerance, but simply because, if it is a natural solution of the Jewish question, it means also an inevitable dissolution of the Jew.

Now, it is possible to take too seriously these departures from the normal, these examples of desertion and disloyalty; for they are no new phenomena and have always existed, accounting partly for the world's small Jewish population. It is only the remnant that has been preserved, to maintain the faith in every era and to spring to new life and activity after each exodus or captivity. The same truth will be exemplified in the United States. There are, however, none the less hopeful signs that indicate a desire for restoration and upbuilding, and a resolution to be loyal to old-time standards. An increased impetus has been given to the training of rabbis; a publication society is doing excellent work; circuit preaching is organizing new communities in the West; the women are banded together for helpful educational effort; while recent immigration has brought to our shores some men of learning and religious enthusiasm, who will prove useful in restraining further inroads of American tidal-waves, if they are ever to be restrained. American Jewish leaders, too, while apparently lacking in qualities of statesmanship, are alive to present dangers. No *laissez-faire* policy can cope with disorganizing elements that have gained such headway. To avert a catastrophe, the Jew must return to Judaism and its essentials; and his leaders must bend every nerve to reconcile American conditions with Jewish traditions. Adaptation is possible without surrender; and the genius of the Jewish people which has withstood an almost continuous crucifixion of nearly 2,000 years is not likely to yield to Yankee notions and American expansion. It will prove, however, an interesting and spirited struggle between forces that resist and forces that invite amalgamation and dissolution. Much ballast and many barnacles from European, Asiatic, and African eras of history will have to be cast away. It is needless to be apprehensive about the next 250 years of American Israel. The remnant will survive and what is vital and essential in Judaism, and not accidental or Occidental merely, will have awakened to renewed and blessed activity.

ABRAM S. ISAACS.

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BLACK MASTERS: A SIDE-LIGHT ON SLAVERY.

BY CALVIN DILL WILSON.

THE most singular and dramatic aspect of slavery in the United States was the occasional ownership of bondsmen by free blacks. Historically, the facts are obscure, little known and difficult to trace; this phase is overlooked by historians, so far as I am aware, and is lost from the memories of most people of this generation; I have asked dozens of Southern people, of advanced years, about negroes owning slaves, and have been told that they "never heard of such a thing." Psychologically, after all we have read and heard of the pathos and tragedy of negro slavery, it is of strange interest and unaccountable inconsistency that the negroes themselves should at times have had no apparent compunction in regard to buying their fellows at the block, continuing them in enforced and unremunerated toil, and at times treating them with cruelty and reducing them to the depths of humiliation and degradation. The mere lust of gain by the toil of others could not altogether account for this wrench of nature, since slave labor could be hired as well as bought, and hired workers would have served the ends of greed as well or better. It would commonly have been cheaper for a free black to hire the slaves of others than to risk his money in their ownership, and to provide lodgings, clothes and food for them. In many cases the free blacks did pursue this course. But there was a deeper passion than love of gain in this unnatural arrangement, and this was ambition; it was the cold and selfish desire to attain a real or an apparent superiority over other blacks; it was ambition to rise into the class of masters, and to stand, so far as possible, on the same level as white men.

But there were those who had far different motives. Free

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colored men sometimes owned their wives and children; and free colored women owned their families, and continued this ownership for reasons that were creditable to them. By this legal possession they kept the members of their families safe from the operation of local laws that were invidious to free blacks. Some of the States had laws that bore hard on free blacks; for certain periods there were laws that compelled a manumitted slave to leave his State; thus a negro who freed his family might have decreed their separation from himself. There were, also, free blacks who purchased others for the purpose of manumitting them; but this class is not of importance to us in discussing the actual ownership of slaves by free blacks.

It may be of interest to the reader to indicate something of the obscurity of this subject by a few statements. I know of no history of the United States, or history of slavery or history of a slave State that even hints at it, with the exception of one book which will presently be mentioned. My researches, while an effort has been made to be thorough, may have overlooked books that touch upon it. But the Librarian of Congress directed me to one volume only, and that but barely glances at the subject. From other librarians I have been able to get no assistance, save in another instance in which I was directed to the volume spoken of above. Mr. Booker T. Washington wrote: "My own personal recollections bring no cases to mind of free black men owning slaves, nor am I able to refer you to any books making reference to this phase of slavery, in case it did exist." General Warren Keifer, who is particularly well versed in American history, wrote: "I have no data to which I could refer you on the subject of the ownership of negro slaves by free negroes." Dr. George Archer, one of the best local historians in Maryland, could only say that he could not give me the desired information, though he recalled a single item from the local records of Harford County, Maryland, in which a free negro had owned and had freed one or more slaves, but after search he was unable to find this item. He gave, however, instances in which free negroes bought their wives and children from their masters and emancipated them; all so emancipated were, by an Act of Assembly in 1831, required to be sent out of the State, the Orphan's Court being empowered to allow them to remain if so minded. The same gentleman later wrote that he had made inquiries at the

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county seat, had put the question to all the prominent lawyers of the bar who often had reason to search the records on all manner of subjects; but none of them had ever seen or heard of a case of the kind. He next inquired of the County Clerk and the Register of Wills, who have held their respective positions for many years, and their answers were identical with those of the legal fraternity. He then got their directions as to where in the records he would be most likely to find such items, if existing, and made researches accordingly; but not a trace could he find. He then questioned several persons noted for their fondness for inquiries in local history; but the result was the same. He then searched the histories of Maryland, from Bozman to Scharf, but with like result. The Virginia State Librarian wrote that he was unable to obtain any information concerning slaves held by free blacks, though he believed such ownership had been practised in Virginia; but he stated that it was a very common thing in Louisiana. A prominent colored man of Mound Bayou, Mississippi, to whom I had been referred by Booker Washington, Isaiah T. Montgomery, stated: "I do not remember that I ever saw any free colored people prior to Emancipation, and believe there were few, if any, instances where they owned slaves in this State. I have, however, heard that this condition prevailed in some of the sugar districts of Louisiana, and your communication has been referred to a competent friend in that State." He wrote me again stating that he had interviewed an aged colored man, whom he called "Father Johnson," who was "one of our most highly respected *ante-bellum* citizens," and belonged to "what was known as the favored class." This aged man said, in regard to free colored people residing in the South prior to the war: "There was very little pleasure in their existence. Every year they were compelled to have fresh papers filed by some white guardian. They were not allowed to be visited by slaves or to have companionship with them. When attending church, walking the roads, in fact in all places, they were compelled to keep apart from slaves."

The Clerk of Talbot County, Maryland, wrote that "no such condition existed in this county, and there are no records of such a condition"; the like officer of Queen Anne County made a similar reply. As the court-house of Frederick County was burned a number of years ago, there is no means of ascertaining

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conditions there; Worcester County has no such records. The Clerk of Princess Anne Court-house wrote that "such a thing as a negro owning another of his race was not known in this county." The Rev. Dr. A. M. Green, of the General Conference of the A. M. E. Church, wrote from New Orleans:

"There is any quantity of traditionary information, but you know that it is not worth much in a search after truth. I have heard a great deal along the line of this inquiry, but very little that could be vouched for. Among the official Board and Quarterly Conference proceedings of St. James's Chapel, A. M. E., I have read of three cases being tried for owning slaves; in each of these cases it was made apparent to the satisfaction of the church that the owners of slaves thus charged had purchased them for the sole purpose of emancipating them. These cases occurred between 1849 and 1856; when, where or how the emancipation took place, if ever, does not appear among the records of St. James's. These trials were for violation of the Discipline and Rules of our church. I suppose there are but few persons now living who know anything of the events of that period in our church. There are many things along this line of great interest to me, and to others if they could be so brought out as to attract the attention of the New Negro as well as the New White youth of our country North and South."

This letter gives us the additional information that the owning of slaves by free negroes was contrary to the Discipline of the A. M. E. Church; by inference, the practice could not have been uncommon, or there would have been no reason for ecclesiastical rulings. Dr. Hodges, of the Cincinnati Public Library, informed me that some years ago there was pointed out to him in Statesburg, South Carolina, a house, with iron-barred windows, in which he was told a negro blacksmith, who had been noted for cruelty to his slaves, had been used to confine his blacks. Mr. Alexander Hill, one of the best-informed men on books in Cincinnati, was unable to give any clue to information upon this matter, except to direct me to correspond with the editor of "The Antiquary," at Norfolk, Virginia. On correspondence with Mr. Edward W. James, at the Virginia Club, Norfolk, I learned that "The Antiquary" contains a few references to negroes owning slaves.

Mr. Florien Giaugus, of Glendale, Ohio, suggested that I write to Mr. Charles W. Elam, a prominent lawyer at Mansfield, Louisiana, who was able to say only, "I have been unable to find any witnesses in this parish of the ownership of negroes by free

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blacks"; but he gave me references to gentlemen who might afford me information. The Hon. B. F. Jonas, of New Orleans, replied:

"A great many slaves were owned by free blacks before the war, not only in this State, but throughout the South. In this State, there were quite a large number of colored slave-owners, most of whom were of the class known as 'quadroons,' but some of them were mulattoes and full-blood negroes, who, as a rule, inherited property and afterward added to it, probably by purchase. Free colored people had a right to the ownership and possession of slave property, as well as movable property and other real estate,—slave property having been considered real estate under our laws at that period. I have never heard of a case where a free black owner of slaves voluntarily manumitted his slaves. On the contrary, they were as a rule considered hard task-masters, who got out of their slave property all that they could. I suppose that proof of this and the names of slave-owners could be obtained from an examination of the assessment rolls of the City of New Orleans and the parishes, previous to the war; but this is so long ago that the information could probably not be obtained without a great deal of labor and investigation."

The Hon. Phanor Breazeale, of Natchitoches, Louisiana, to whom Mr. Elam also referred me, wrote:

"This, Natchitoches, my own town, is the oldest town of the Louisiana Purchase, and the legal records date back to 1708. The Parish, synonymous with County, is one of the largest in territory and population in the State, and of recent years has been known as a black county, that is to say, the negro population was a little in excess of the white population. Assuming that the records of the Parish are a fair criterion by which to judge the other old parishes of the State, it was not an uncommon feature of slavery to find that free blacks owned slaves; but, on the contrary, there were, prior to the war, quite a number of 'free colored people,' as they were called, who were owners of slaves; some of these free colored people in this Parish were quite wealthy. I have in mind a lawsuit I brought a few years ago for the ownership of a piece of land in this Parish; and, in the course of litigation, I traced back the title about eighty years, and found that there was a French nobleman settled here who reared a family of negroes, living in concubinage with a 'free colored woman'; they had several children; of course he never married the woman and his children were illegitimate, but free as being the issue of a white man and free colored woman. He left a will giving his property one-half to the mother of his children and the remainder in equal portions to the children. The inventory in this succession was appraised at some one hundred and three thousand dollars, including lands and slaves. This will was contested by a brother who lived in France, and resulted in a compromise

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whereby the children were given a large plantation with ten slaves, the mother getting the usufruct of this property. This is an instance of the conditions existing at that time. The records here disclose sales to, and from, free colored people of slaves. I do not recall any instance, in examining the records, of having found a case where a free black owner voluntarily manumitted his slaves. It is very probable that a careful investigation of the records would disclose instances where some particular slave was manumitted by his free black owner from motives of attachment, by reason of loyal and faithful service to the owner; but I do not believe the records will disclose any case of manumission of all the slaves owned by free black persons. This latter, as you know, has very frequently been done by white owners; for instance, my great-grandfather, a lawyer of prominence, owned many slaves both in Mississippi and in Louisiana, and by will manumitted all his slaves and provided for their transportation to Africa. As a matter of interest in studying this phase of slavery, I have found by inquiry from old people that free black owners were as a usual thing much more severe on their slaves than the white owners. Personally, I know nothing of these facts, as I was born too late; yet I feel that the above criticism is correct, not only because it can be reconciled with phases of human nature, but because of the fact that now in this Parish the colony of 'free colored people' have preserved in the forty years since the war absolutely intact their status, and have positively refused to come in contact with the freed slaves, either socially or otherwise. These 'free colored people' were a distinct type, as you no doubt know; they were either quadroons or octoroons, and not manumitted slaves. If a negro ever became owner of slaves after his manumission, it is not known, so far as the records show or I have been able to learn by inquiry."

That the free negroes had not always conscience or sentiment against slavery is indicated by the fact that James Clark, a free negro, enlisted in Company K, Twenty-eighth Georgia Regiment (Captain Wilcox), as a fifer, and went through the Civil War; he is now 104 years old, and has applied for a pension from the State of Georgia for service in the Confederate army. We may presume that he knew that the success of his cause would, in all probability, have continued slavery. Mr. E. W. James* comments thus on "Betsy Fuller, Free Black, and her husband":

"The wife owned the husband. It was not an uncommon thing in the Southern States for enterprising negro women to own their husbands. At the outbreak of the War of Secession, an industrious negress, a huckstress in the Norfolk market, owned her husband. He was an

* In "The Lower Norfolk County (Va.), Antiquary," in a foot-note (Vol. 4. Page 177) to a "List of Slave Owners, Princess Anne Co., 1840."

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ardent Secessionist, and was in full sympathy with the firing on and the fall of Fort Sumter. After Norfolk was evacuated and was occupied by the Federal forces, he was loud in his expression of Southern views, and was at one time in the chain gang, with an iron ball attached to one of his feet, because of expression of opinions obnoxious to the military. No slave-trader was ever more fully convinced that the negroes were made for slavery."

Our present views of slavery had not universally penetrated the minds of the colored people themselves in *ante-bellum* days!

Father Johnson, already referred to, wrote:

"A white man named Fitzgerald, a planter, owned a plantation and slaves in the vicinity of Natchez, Adams County, Mississippi, and he had as a wife a very dark colored woman; they had two sons, George and James Fitzgerald. At the death of the father, the plantation and slaves were inherited by the children under a will. The slaves and plantation were held by the heirs until freed by the War. Both of the Fitzgerald boys selected slave women, belonging to a Colonel Wood, as wives, and sought to purchase them. Colonel Wood declined to sell, but consented to what was known as 'blanket marriages.' The younger son, James, afterward gave up his wife, although several children had been born to them, and finally left the country, declaring that he did not want a slave woman for a wife. The elder brother, George, remained and continued to consort with his slave wife, up to his death after the War. He grieved himself to death over the results of the War, by which he lost his slaves. Colonel Wood filed papers regularly every year as George Fitzgerald's guardian, according to the law which required that free negroes should annually file papers proving their right to freedom. The mother of these men, old Mrs. Fitzgerald, was somewhat careful of her slaves; when it rained, she would have them come in from the garden."

Mr. D. C. Scarborough, of Natchitoches, Louisiana, wrote:

"There are many data to be had by examining the old records of this Parish on the subject of the purchase, ownership and sale of slaves by free blacks. The truth of the matter is that free blacks owned, bought and sold slaves as did the whites. The succession of C. N. Roques in this Parish is a case in which a free black owned some hundred or so slaves, all of whom were freed by the Proclamation of Emancipation. We do not recollect any special legislation authorizing the ownership of negroes by free blacks. When a slave became free he bought and sold fully under the law, just as any other citizen did; there was no longer any distinction. In many of the old deeds it is recited that A. B., 'being a free person of color,' etc. History will show that the free blacks who owned slaves rarely if ever emancipated them. Slaves who were emancipated were, as a rule, emancipated by white owners; and this emancipation by white owners is the manner in which free

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blacks came into existence. There was a very large number of these in this Parish, some of the richest people in the Parish being free persons of color. On tracing back the history of these families, it is generally found that they were emancipated by former white owners. There are four or five such families that married and intermarried until they were all related. In some instances, there were to be found as many as one hundred and fifty voters in one ward of these free persons of color; their descendants live here yet. As a rule, these families took the name of their former master who freed them. A large per cent. of those in this parish are named Metoyer, one of the old rich Metoyers having freed some of his slaves. The same is true of the Dupré family and of the Rachal family; there being as many free colored Rachals as there were white at the close of the war. This general outline can be very generally verified by copies of old records here."

We are to remember, in connection with the conditions in Louisiana, that a general trait of French and Spanish colonists in all countries has been that they have commonly recognized and provided for the wives taken from among native women, negro, Indian, or any other nationality, and that they have acknowledged and provided for their children; while the Anglo-Saxon, as a rule, leaves these women and children to shift for themselves.

But in Maryland still other phases of this matter are to be studied. In Maryland, pure blacks who had themselves been slaves and had been manumitted were frequently slave-owners. In that State, also, we are able to find instances of a kind asserted by some of our Louisiana correspondents to have been unknown in their own, of voluntary manumissions by these black masters of their slaves; and not only the emancipation of their slave wives and children, but of all those whom they held in bondage, thus indicating a change of heart in the matter. For this latter condition there were several contributing causes; one of these was that in Maryland, in the latter part of the eighteenth century, Emancipation Societies were active, manumission by white owners was common, and the influence of this conduct spread to the free colored people who held other colored people in bondage.

It will be of interest to consider briefly some of the general conditions of the free negro and of the emancipation spirit in Maryland. On this subject, much valuable information can be gotten from "The Negro in Maryland, A Study of Slavery," by Jeffrey R. Brackett, the volume indicated to me by the Librarian of Congress as the only book he knew which bore upon my imme-

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diate inquiry about free negroes who owned slaves and manumitted them; upon this particular point, however, the volume contains very little. About the year 1785, several Abolition Societies arose in Maryland and began uninterrupted work toward emancipation. Petitions were presented by them to the Legislature tending toward gradual abolition. In 1752, manumission in any way, during the last illness of the master, had been forbidden; but these Societies induced the Legislature to remove all restrictions from the voluntary emancipation of slaves. During the last decade of the eighteenth century there was a large increase in the number of slaves manumitted.

Many of these manumissions were accompanied by grants of land from the masters. In 1747, a citizen of Queen Anne County freed several slaves by his will, and also gave to them and their heirs a tract of land. A certain citizen by will freed nineteen slaves and gave them a great part of his real and personal estate; a niece of the testator attempted to break the will, but after several years of contest the will was established. A law was enacted that all slaves unable to support themselves should be supported by their masters, "in fitting food and clothing," and kept from begging. This legislation was caused by the fact that some masters had used their slaves as long as they were profitable and had then turned them adrift to burden the community. Under the new ruling, slaves to be manumitted must be sound in mind and body, capable of labor and not over fifty years of age. It was enacted that all manumissions must be in writing, under hand and seal of two witnesses; the papers to be acknowledged and endorsed by a justice, and then recorded within six months in the clerk's office of the county. The cost for recording a deed of manumission was the ordinary trivial fee for record; and a certified copy of a deed was deemed good evidence of freedom.

The number of free colored persons in Maryland was small, and there was little mention of them until the close of the eighteenth century. Griffith's "Annals of Baltimore" states that the population of Baltimore County, including the later Harford County, in 1752 included one hundred and sixteen mulatto slaves, one hundred and ninety-six free mulattoes, four thousand and twenty-seven negro slaves and eight free negroes. "The distinction between negroes and mulattoes is interesting," says Mr. Brackett; and this distinction is to be kept in mind in noting the

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manumissions in Maryland. When a "free negro" manumits, it means that this is done by a negro, not by a mulatto. The census of 1790 gives about eight thousand free colored persons in the State; some of these, or their ancestors, had come as free men, most had been manumitted. By the Convention of 1776, the right of suffrage was given to all freemen who held a certain amount of property; and it is certain that some free negroes voted in the early years of the State. In 1782, the Assembly of Virginia passed an Act permitting the manumission of slaves; Judge Tucker of Virginia estimated that, from 1782 to 1791, ten thousand slaves were liberated in Virginia by their masters.

There were many free negroes in Maryland who owned small houses and pieces of land.

"The acts of incorporation of some savings-banks limited depositors to white persons; others could receive from any persons. In Annapolis, for instance, several free blacks were depositors, and one at least owned shares of the bank stock.

"From the earliest history of Maryland, free negroes have been allowed to sue in the courts, as well as to hold both real and personal property. The education of free negroes and of slaves was not forbidden by law in Maryland; but the black was indebted for what he got to the interest of individuals or of such societies as the Society of Friends."

Mr. Brackett says:

"Free negroes not infrequently owned as slaves their wives and children, whom they feared, perhaps, to manumit, lest the right to residence be questioned. It would seem also that other free negroes owned and hired slaves, as did their white neighbors. We hear of one free black, of Dorchester County, receiving payment for a slave whom he had bought for a term of years, and who was sold out of the State for crime by the court. In 1827 a member for the same county had introduced a bill to forbid any one who owned slaves for life, or for a term of years, from hiring such to a free negro there. Kent and Somerset were added to Dorchester and, later, Worcester and Anne Arundel were added and Kent struck out; and the Committee on Grievances, ordered to inquire into the expediency of preventing free blacks from purchasing slaves under any circumstances, reported that any legislation on the subject was inexpedient."

Mr. Brackett wrote during a visit to England:

"I regret that I am unable to help you, as my book was written a good while ago, and my odd notes of information not given in the book have not been kept. The position of free negroes in Maryland in the last

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years of the eighteenth century was interesting; a few of them voted, and were full-fledged citizens."

An aged man, William W. Davis, eighty-eight years of age, who lives at Cambridge, Maryland, wrote concerning one Draper Thompson, free negro, who in 1824 bought and sold a negro man at public auction out of an estate for three hundred dollars. The record of this purchase is in the Dorchester County records (E. R., No. 9, folios 179 and 180). Mr. Davis says he knew Thompson well in his own boyhood, that at one time he lived on a large farm, the Cremona Tract; he did not allow his slaves to associate with his own family, but made them eat and sleep in a separate house; if a slave had occasion to enter his dwelling, he had to doff his hat and carry it under his arm while doing so. He sent his sons to Baltimore for an education. Mr. Davis adds: "Make a slave an overseer over his fellow slaves, as sometimes happened, and he would be three times as tyrannical as a white man."

Philip Roberts, a respectable colored man of Glendale, Ohio, who was a slave in Kentucky, told me that he knew "Old Free Isaac," in Trimble County, Kentucky, who owned several negroes; he said this same negro sold his own son and daughter South, one for $1,000, the other for $1,200.

Mr. Stevenson Archer, of Mississippi, states that he knew a pure-blooded negro, born free, by name Nori (a corruption of Le Noir), who had before the Civil War a large plantation in Mississippi, and owned about one hundred negroes. He was exacting, but not cruel, and he took excellent care of his slaves.

Mr. Charles Michael, of Harford County, Maryland, remembers the case of a negro who sold his children in order to purchase his wife. There were many instances in which negroes, who had purchased their own freedom and secured the ownership of their families, sold their children for life or for a term of years.

We give below citations from Maryland county records in which free negroes manumitted their slaves. The first instances are those of the freeing of wives and children:

"Know all men, by these presents, that I, Robert, lately a slave to Archibald Pattison, deceased, and sold by Peter Gordon, Administrator of said Archibald Pattison, to John Griffith, by whom I was manumitted according to law, do hereby, in consideration of the natural affection I bear to Rachel, whom I have taken as my wife, and whom I purchased of John Le Compte, deceased, manumit, enfranchise and set

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at liberty the said Rachel from me, my heirs, Exor's & Admrs, from the date of these presents, in as perfect a manner as if she had been born so.'" *(March 9th, 1796. Record H. D., No. 9, fol. 162, Dorchester Co.)*

"Manumission by Cato, negro, of Dorchester County, Maryland—Being possessed of a wife and children who are by law my slaves, and being desirous to set them free, etc., wife Lucy, children, Leah, Milly, Mary, Horatio, Ephraim and Abraham.'" *(April 30th, 1798. Record H. D., No. 12, fol. 633, Dorchester Co.)*

"Manumission by Adam, negro, of Dorchester County, State of Maryland, of negro Phillis—'Having purchased my wife Phillis, and being desirous to secure her her liberty, etc., do therefore set free the said Phillis immediately.'" *(Aug. 17th, 1797. Record H. D., No. 12, fol. 255, Dorchester Co.)*

"Manumission by Oliver Cromwell, negro, of Dorchester County, State of Maryland, to Shadrach Cromwell—'Do release from slavery, etc., my son Shadrach Cromwell, acknowledging the said negro slave discharged, etc.'" *(Feb. 5th, 1818. Record E. R., No. 15, folio 16.)*

"Manumission by John Chapman, negro, of Dorchester County, State of Maryland, of Mary Chapman, negro—'Being 37 years of age and able to work and gain a sufficient livelihood, etc., do set free, etc.'" *(March 14th, 1818. Record E. R., No. 5, folio 40.)"*

The further citations are those of cases in which there was manumission by free negroes of slaves not related to them:

"Manumission by Henry Hughes, negro, of Dorchester County, State of Maryland, of negro, Ruth—'Being possessed of a negro woman—Ruth, and desirous to give her her legal manumission, etc.'" *(Dec. 14th, 1816. Record E. R., No. 4, folio 297.)*

"Manumission by John Driver, negro, of Dorchester County, State of Maryland, to sundry negroes—'Do set free and hereby release from slavery, 6 in number.'" *(May 28th, 1825. Record E. R., No. 9, folio 614.)*

The three records that follow form a connected story; first the negro is himself set free by his white master:

"Deed of manumission from William Meeds Satterfield, of Caroline County, to 'my negro man, Jem,' dated 10 June, 1790; acknowledged before Dr. Zabdiel Potter, of the commission of the peace for Caroline County, 10 June 1790; recorded in Liber W. R., No. C., fol. 118, on the 17th of June, A.D. 1790, by William Richardson, Clerk.

"'State of Maryland, Caroline County, to wit:

"'Whereas, a certain Black man, by the name of James Satterfield, heretofore, to wit: on the 10th day of June, 1790, was manumitted by a certain William Meeds Satterfield, to be free from the date thereof; and whereas the said Black man, James Satterfield, hath made application to me for a certificate of his freedom, agreeable to an Act of Assembly: Upon the oath of Elijah Satterfield that the said Black

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man, called James Satterfield, is the identical person who was manumitted as aforesaid, I do hereby certify that the said Black man, called James Satterfield, is five feet three inches high, has small scar on his left hand made by the bite of a hog, and from the age expressed in the aforesaid manumission is about fifty-five years of age, was raised in Queen Anne County, in Tulley's Neck, and was removed to this county about the age of twenty-four years, and no other notable marks that I can discover *(sic)*. In testimony whereof I have set my hand and affixed the public seal of my office this tenth day of May, in the year of Our Lord 1808. Tho: Richardson, Clk. Caroline Co.: Ct.'" *(Recorded in Liber T. R., Certificates of Freedom, fol. 23.)*"

Now James has taken to slave-holding himself, but resolves to provide for the freedom of his slaves at his death:

"Caroline County, to wit:

"Be it remembered, That on the 19th day of October, in the year of our Lord 1802, came James Satterfield, free negro, and brought a manumission, with one endorsement thereon, and prayed to have the same enrolled amongst the Records of Caroline County; and on the same 19th day of Oct., in the year 1802, afsd., the same manumission and endorsement were enrolled as follows, to wit:

"'I, James Satterfield, free negro, of Caroline County and State of Maryland, do hereby set free from bondage, after my decease, one negro girl named Rachel, and one by the name of Hannah, which two girls I purchased of Elijah Satterfield, executor or administrator of William Fountain, late of the county afsd., deceased, and do for myself, my heirs, executors and administrators, or assigns, release unto the afsd. Rachel and Hannah, after my decease, all my right, and all my claim whatsoever, to be absolutely free from me or from my heirs, executors, administrators or assigns, or from any other person or persons whatsoever, thereby claiming any right or title whatsoever by, from or under me, or them.

"'In witness hereof, I have hereunto set my hand and seal, this 19th day of the tenth month, 1802.

"'James Satterfield X his mark. (Seal.)'

"Signed sealed and delivered in the presence of James Dixon, Seth Hill Evitts.

"Recorded in Liber T. R., No. H., folio 228, a Land Record for Caroline County, Md. Tho: Richardson, Clerk."

But, some years later, James decides to give these girls their freedom before his death. So we read:

"Deed of manumission by James Satterfield, negro, dated the 29th day of October, 1823—'I, James Satterfield, negro, of Caroline County in the State of Maryland, for divers good causes and considerations me thereunto moving, do hereby declare free, manumit and enfranchise the

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negroes following, to wit: Hannah, about thirty-four years of age, on the first day of May last past; Kitty, about fifteen years of age, the second day of April last past; Rachel, about twelve years of age the fifteenth day of January last past; James, about nine years of age the seventh day of January last past; and Matthew, about five years of age the fifth day of May last past. Which said last-mentioned four negroes, viz.: Kitty, Rachel, James and Matthew, are the children of Hannah, also above mentioned. Rachel, about thirty-two years of age the first day of May last past, and her child, a negro boy called James, about six years of age in September last.'

"Recorded in Liber J. R., No. O., fol. 208, on the 29th day of October, 1823. Joseph Richardson, Clerk."

The following is the will of a free negro, named Ricksum Webb. It appears from memories of him that still survive that he was a rather superior man. He left several hundreds of acres of land, a large personal estate, and his descendants are now among the representative negroes in Caroline County. The name of Webb is a synonym for industry, thrift and intelligence in that county and is borne by many negroes. A like reputation is sustained by the Friends, mainly descended from Gabriel Friend, who was freed in the thirties by a white master. Ricksum Webb's son, James, owned one or more slaves up to the time of the Emancipation.

"Last will and Testament of Ricksum Webb, (negro), recorded in Will Record W. A. F., No. A., fol. 357, *et sq.* Directs that my servant Jerry shall serve my son James for the period of ten years after death of testator, and then to be free; to be given $50 a year during this service, and suitable clothing. Should Jerry abscond from service and be taken, to be sold for life to the highest bidder. In lieu of this service, to be sold to a resident of Maryland for not less than $400 for a period of ten years and then to be free. Said Jerry to have choice of purchasers. Servant Luke willed to son-in-law, Eben Hughes. Servant Asbury to be free at age of 35 years. Girl servant Ann to be free at age of 25. James Turner, of Queen Anne's, executor. Will dated 10 May, 1845. Proven, 27th March, 1846, before William A. Ford, Register of Wills for Caroline County."

Thus these dark faces look out upon us from the past, and the records and names from musty folios in old Maryland courthouses tell of a singular aspect of slavery.

CALVIN DILL WILSON.

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THE MODERN NOVEL AND THE MODERN PLAY.

BY BRANDER MATTHEWS, PROFESSOR OF DRAMATIC LITERATURE IN COLUMBIA UNIVERSITY.

As we glance down the long history of literature, we cannot but remark that certain literary forms, the novel at one time and the drama at another, have achieved a sweeping popularity, seemingly out of all proportion to their actual merit at the moment when they were flourishing most luxuriantly. In these periods of undue expansion, the prevalent form absorbed many talents not naturally attracted toward it. In the beginning of the sixteenth century in England, for instance, the drama was more profitable, and therefore more alluring, than any other field of literary endeavor; and so it was that many a young fellow of poetic temperament adventured himself in the rude theatre of those spacious days, even though his native gift was only doubtfully dramatic. No reader of Peele's plays and of Greene's can fail to feel that these two gentle poets were, neither of them, born playmakers called to the stage by irresistible vocation. Two hundred years later, after Steele and Addison had set the pattern of the eighteenth-century essay, the drama was neglected, and every man of letters was likely to be found striving for the unattainable ease and charm of "The Tatler" and "The Spectator." Even the elephantine Johnson, congenitally incapable of airy nothings and prone always to "make little fishes talk like whales," disported ponderously in "The Idler" and "The Rambler." The vogue of the essay was fleeting also; and a century later it was followed by the vogue of the novel,—a vogue which has already endured longer than that of the essay, and which has not yet shown any signs of abating. Yet the history of literature reminds us that the literary form most in favor in one century is very likely

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to drop out of fashion in the next; and we are justified in asking ourselves whether the novel is to be supreme in the twentieth century as it was in the nineteenth, or whether its popularity must surely wane like that of the essay.

Although the art of fiction must be almost as old as mankind itself, the prose novel, as we know it now, is a thing of yesterday only. It is not yet a hundred years since it established itself and claimed equality with the other forms of literature. Novelists there had been, no doubt, and of the highest rank; but it was not until after "Waverley" and its successors swept across Europe triumphant and overwhelming that a fiction in prose was admitted to full citizenship in the republic of letters. Nowadays, we are so accustomed to the novel and so familiar with its luxuriance in every modern language that we often forget its comparative youth. Yet we know that no one of the muses of old was assigned to the fostering of prose-fiction, a form of literary endeavor which the Greeks did not foresee. If we accept Fielding's contention that the history of "Tom Jones" must be considered as a prose-epic, we are justified in the belief that the muse of the epic is not now without fit occupation.

Indeed, the modern novel is not only the heir of the epic, it has also despoiled the drama, the lyric and the oration of part of their inheritance. "The Scarlet Letter," for example, has not a little of the lofty largeness and of the stately movement of true tragedy; "Paul and Virginia," again, abounds in a passionate self-revelation which is essentially lyric; and many a novel-with-a-purpose, needless to name here, displays its author's readiness to avail himself of all the devices of the orator. In fact, the novel is now so various and so many-sided that its hospitality is limitless. It welcomes alike the exotic eroticism of M. Pierre Loti and the cryptic cleverness of Mr. Henry James, the accumulated adventure of Dumas and the inexorable veracity of Tolstoy. It has tempted many a man who had no native endowment for it; Motley and Parkman and Froude risked themselves in imaginative fiction, as well as in the sterner history which was their real birthright. And so did Brougham, far more unfitted for prose-fiction than Johnson was for the graceful eighteenth-century essay or Peele and Greene for the acted drama. Perhaps it is a consequence of this variety of method, which lets it proffer itself to every passer-by, that we recognize in the Victorian novel

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the plasticity of form and the laxity of structure which we have discovered to be characteristic of the Elizabethan drama.

In her encroaching on the domain of the other muses, the prose-epic has annexed far more from her comic and tragic sisters than from any of the other six. An opportunity for a most interesting inquiry awaits the alert scholar who shall undertake to tell the rivalry of the novel and the play, tracing their influence on each other and making a catalogue of their mutual borrowings. Although the record has no special significance, it may be noted that they have never hesitated to filch plots from each other, the playwrights appropriating the inventions of the novelists and the novelists levying on the works of the playwrights,—Shakespeare, the dramatist, finding the action of his "As You Like It" ready to his hand in a tale of Lodge's, and Le Sage, the story-teller, in his "Gil Blas" availing himself of scenes from Spanish comedies.

Far deeper, however, than any purloining of material are other interrelations of the novel and the play, which have been continually influencing one another, even when there was no hint of any plagiarism of subject-matter. The older of the two, the drama, long served as the model of prose-fiction; and not a few of the earlier practitioners of the later art began their literary careers as writers for the theatre, Le Sage for one, and, for another, Fielding. It is not to be wondered at that they were inclined to approach the novel a little as though it was a play, and to set their characters in motion with only a bare and summary indication of the appropriate environment. They were inclined to follow the swift methods proper enough on the stage, if not absolutely necessary there, instead of developing for themselves the more leisurely movement appropriate to prose-fiction. Both Fielding and Le Sage, it may be well to note, had profited greatly by their careful study of Molière and of his logical method of presenting character. In the "Princess of Cleves,"—perhaps the first effort at feminine psychology in fiction,—we discover the obvious impress of both Corneille and Racine on Madame de Lafayette,—the stiffening of the will to resolute self-sacrifice of the elder dramatic poet and the subtler analysis of motive dextrously attempted by the younger and more tender tragedian.

Just as Beaumarchais in the eighteenth century found his profit in a study of Le Sage's attitude toward life, so Augier in the nineteenth century, and still more, Dumas *fils,* responded to the

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sharp stimulus of Balzac. The richer and far more complicated presentation of character which delights and amazes us in the "Human Comedy" was most suggestive to the younger generation of French dramatists; and no one can fail to see the reflection of Balzac in the "*Maître Guérin*" of Augier and in the "*Ami des Femmes*" of Dumas. And, in their turn, these plays and their fellows supplied a pattern to the novelist—to Daudet especially. A certain lack of largeness, a certain artificiality of action in Daudet's "*Fromont jeune et Risler aîné*," is probably to be ascribed to the fact that the story was first conceived in the form of a play, although it was actually written as a novel.

The British novelist with whom this French novelist is often compared, and with whom he had much in common, was also impressed profoundly by the theatre of his own time and of his own country. But Dickens was less fortunate than Daudet, in that the contemporary English stage did not afford a model as worthy of imitation as the contemporary French stage. Of course, the native genius of Dickens is indisputable, but his artistic ideals are painfully unsatisfactory. His letters show him forever straining after effects for their own sake only, and striving to put just so much humor and just so much pathos into each one of the successive monthly parts into which his stories were chopped up. Very fond of the theatre from his early youth, Dickens had come near going on the stage as an actor; and, in his search for effects, he borrowed inexpensive mysteries from contemporary melodrama, and he took from it the implacable and inexplicable villain ever involved in dark plottings. It is significant that "No Thoroughfare," the one play of his invention which was actually produced, was performed at the Adelphi, and was discovered then not to differ widely from the other robust and high-colored melodramas ordinarily acted at that hopelessly unliterary playhouse. Daudet, although he was not gifted with the splendid creative force of Dickens, inherited the Latin tradition of restraint and harmony and proportion; and he had before his eyes on the French stage the adroitly contrived comedies of Augier and of Dumas *fils*, models far more profitable to a novelist than the violent crudities of the Adelphi.

Perhaps there is more than a hint of ingratitude in Daudet's later disgust with the inherent limitations of the drama,—a disgust more forcibly phrased by his friends, Zola and Goncourt and

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Flaubert, realists all of them, eager to capture the theatre also and to rule it in their own way. In their hands, the novel was an invading conqueror; and they had the arrogance that comes from an unforeseen success. They were all eager to take possession of the playhouse, and to repeat in that new field of art the profitable victories they had gained in the library. But they declined to admit that the drama was a special art, with a method of its own. They resented bitterly the failures that followed when they refused to accept the conditions of the actual theatre; and they protested shrilly against these conditions when they vainly essayed to fulfil them. "What a horrible manner of writing is that which suits the stage!" Flaubert complained to George Sand. "The ellipses, the suspensions, the interrogations must be lavished, if one wishes to have liveliness; and all these things, in themselves, are very ugly." In other words, Flaubert was concerned with the rhetoric of the written word, and he had no relish for the rhythm of spoken dialogue.

These French novelists refused to perceive that the drama is, of necessity, the most democratic of the arts, since it depends, and has always depended, and must ever depend, absolutely upon the public as a whole. The strength of the drama, its immense advantage over other forms of literature, lies in this, that it must appeal to the mass of men, not to the intelligent more than to the unintelligent, not to the educated more than to the uneducated, not to any sect or clique or coterie, but to men as men. The laws of the drama may be deduced, all of them, from this principle, that in the theatre the playmaker has to interest a gathering of his own contemporaries, all sorts and conditions of men. If he cannot hold their attention, move them, sway them, control them, then he has failed frankly to do what he set out to do. And he can do this, he can make them laugh, and make them weep, make them feel and make them think, only by accepting the conditions of the theatre itself. Daudet and Zola had more of the needful understanding of their fellow creatures than Flaubert and Goncourt, more of the necessary sympathy; but they had all of them not a little of the conceit of the self-made man and they assumed the egotistic attitude of the cultivated aristocrat. It would have been well if they could have taken to heart what George Sand once wrote to Flaubert: "It seems to me that your school does not consider enough the sub-

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stance of things, and that it lingers too much on the surface. By dint of seeking for form, it lets go of the fact. It addresses itself to men of cultivation. But there are, strictly speaking, no men of cultivation, for we are, first of all, men."

Because the drama was popular, these artistic aristocrats despised it. Although they pined to succeed as playmakers, they scorned the trouble of mastering the methods of the theatre. Because the drama, at its highest, attained to the loftier levels of literature, they assumed that a man of letters had no need to spy out the secrets of the stage. If they could not apply in the play the methods they had been applying skilfully and successfully in the novel, so much the worse for the play. Evidently, the drama was not literature, and the theatre was no place for a literary man. The fault was not in them; it could not be, since they had regenerated the novel. It must be in the stage itself, and in the stupidity of the public.

In one of his most vigorous essays, M. Brunetière joined issue with this little group of French novelists, and told them sharply that they had better consider anew the theatrical practices and prejudices which seemed to them absurdly outworn, and which they disdained as born of mere chance and surviving only by tradition. He bid them ask themselves if these tricks of the trade, so to style them, were not due to the fact that the dramatist's art is a special art, having its own laws, its own conditions, its own conventions, inherent in the nature of the art itself. When they expressed their conviction that the method of the novel ought to be applicable to the play, M. Brunetière reported that, if the novel was the play and if the play was the novel, then in all accuracy there would be neither novel nor play, but only a single and undivided form; and he insisted that, if as a matter of fact this single form did not actually exist, if it had divided itself, if there was such a thing as a novel and such a thing as a play, then that could be only because we go to the theatre to get a specific pleasure which we cannot get in the library. The practical critic gave them the sound advice that, if they sought to succeed in the theatre as they had succeeded in the library, they should study the art of the playwright, endeavoring to perceive wherein it differs from the art of the story-teller.

The points of agreement between the novel and the play are so obvious that there is some excuse for overlooking the fact that

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the points of disagreement are almost as numerous. It is true that, in the play as in the novel, a story is developed by means of characters whose conversation is reproduced. So the game of golf is like the game of lawn-tennis, in so far that there are in both balls to be placed by the aid of certain implements. But as the balls are different and as the implements are different, the two games are really not at all alike; and it is when they are played most skilfully and most strictly according to the rules that they are most unlike.

The play is least dramatic when it most closely resembles the novel, as it did in the days of Peele and Greene, whose dramas are little more than narratives presented in dialogue. In the three centuries since Peele and Greene, the play and the novel have been getting further and further away from each other. Each has been steadily specializing, seeking its true self, casting out the extraneous elements proved to be useless. The novel in its highest development is now a single narrative, no longer distended and delayed by intercalated tales, such as we find in "Don Quixote" and "Tom Jones," in "Wilhelm Meister" and in "Pickwick," inserted for no artistic reason, but merely because the author happened to have them on hand. The play in its highest development is now a single action, swiftly presented, and kept free from lyrical and oratorical digressions existing for their own sake and not aiding in the main purpose of the drama.

The practitioners of each art conceive their subjects in accordance with the necessities of that art, the novelist thinking in terms of the printed page and the dramatist thinking in terms of the actual theatre, with its actors and with its spectators. Here, indeed, is a chief reason why the perspective of the play is different from the perspective of the novel, in that the playwright must perforce take account of his audience, of its likes and its dislikes, of its traditions and its desires. The novelist need not give a thought to his readers, assured that those in sympathy with his attitude and his mood will find him out sooner or later. To the story-teller, readers may come singly and at intervals; but the playmaker must attract his audience in a mass. Much of the merely literary merit of a drama may be enjoyed by a lone reader under the library lamp; but its essential dramatic quality is completely and satisfactorily revealed only in front of the footlights when the theatre is filled with spectators.

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It is this consciousness that his appeal is not to any individual man, but to man in the mass, that makes the dramatist what he is. To scattered readers, each sitting alone, an author may whisper many things which he would not dare blurt out before a crowd. The playwright knows that he can never whisper slyly; he must always speak out boldly so that all may hear him; and he must phrase what he has to say so as to please the boys in the gallery without insulting the women in the stage boxes. To the silent pressure of these unrelated spectators he responds by seeking the broadest basis for his play, by appealing to elemental human sympathy, by attempting themes with more or less of universality. It is because the drama is the most democratic of the arts that the dramatist cannot narrow himself as the novelist may, if he chooses; and it is because this breadth of appeal is inherent in the acted play that Aristotle held the drama to be a nobler form than the epic. "The dramatic poem," said Mr. Henry James some thirty years ago when he was dealing with Tennyson's "Queen Mary," "seems to me of all literary forms the very noblest. . . . More than any other work of literary art, it needs a masterly structure."

Whether nobler or not, the dramatic form has always had a powerful fascination for the novelists, who are forever casting longing eyes on the stage. Mr. James himself has tried it, and Mr. Howells and Mark Twain also. Balzac believed that he was destined to make his fortune in the theatre; and one of Thackeray's stories was made over out of a comedy, acted only by amateurs. Charles Reade called himself a dramatist forced to be a novelist by bad laws. Flaubert and the Goncourts, Zola and Daudet wrote original plays, without ever achieving the success which befell their efforts in prose-fiction. And now, in the opening years of the twentieth century, we see Mr. Barrie in London and M. Hervieu in Paris abandoning the novel in which they have triumphed for the far more precarious drama. Nor is it without significance that the professional playwrights seem to feel little or no temptation to turn story-tellers. Apparently the dramatic form is the more attractive and the more satisfactory, in spite of its greater difficulty and its greater danger.

Perhaps, indeed, we may discover in this difficulty and danger one reason why the drama is more interesting than prose-fiction. A true artist cannot but tire of a form that is too facile; and he

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is ever yearning for a grapple with stubborn resistance. He delights in technic for its own sake, girding himself joyfully to vanquish its necessities. He is aware that an art which does not demand a severe apprenticeship for the slow mastery of its secrets will fail to call forth his full strength. He knows that it is bad for the art and unwholesome for the artist himself, when the conditions are so relaxed that he can take it carelessly.

It was a saying of the old bard of Brittany that "he who will not answer to the rudder must answer to the rocks"; and not a few writers of prose-fiction have made shipwreck because they gave no heed to this warning. Many a novelist is a sloven in the telling of his tale, beginning it anywhere and ending it somehow, distracting attention on characters of slight importance, huddling his incidents, confusing his narrative, simply because he has never troubled himself with the principles of construction and proportion with which every playwright must needs make himself familiar. Just as the architectural students at the Beaux-Arts in Paris are required to develop at the same time the elevation and the ground-plan and the cross-section of the edifice they are designing, so the playwright, while he is working out his plot, must be continually solving problems of exposition and of construction, of contrast and of climax. These are questions with which the ordinary novelist feels no need to concern himself, for the reading public makes no demand on him and there is nothing urging him to attain a high standard. It is curious to remark that the newspaper reviewers of current fiction very rarely comment on the construction of the novels they are considering.

In other words, the novel is too easy to be wholly satisfactory to an artist in literature. It is a loose form of hybrid ancestry; it may be of any length; and it may be told in any manner,—in letters, as an autobiography or as a narrative. It may gain praise by the possession of the mere externals of literature, by sheer style. It may seek to please by description of scenery, or by dissection of motive. It may be empty of action and filled with philosophy. It may be humorously perverse in its license of digression,—as it was in Sterne's hands, for example. It may be all things to all men: it is a very chameleon-weathercock. And it is too varied, too negligent, too lax to spur its writer to his utmost effort, to that stern struggle with technic which is a true artist's never-failing tonic.

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On the other hand, the drama is a rigid form, limited to the three hours' traffic of the stage. Just as the decorative artist has to fill the space assigned to him and must respect the disposition of the architect, so the playwright must work his will within the requirements of the theatre, turning to advantage the restrictions which he should not evade. He must always appeal to the eye as well as to the ear, never forgetting that the drama, while it is in one aspect a department of literature, in another is a branch of the show-business. He must devise stage-settings at once novel, ingenious and plausible; and he must invent reasons for bringing together naturally the personages of his play in the single place where each of his acts passes. He must set his characters firm on their feet, each speaking for himself and revealing himself as he speaks; for they need to have internal vitality as they cannot be painted from the outside. He must see his creatures as well as hear them; and he must know always what they are doing and how they are looking when they are speaking. He cannot comment on them or explain them, or palliate their misdeeds. He must project them outside of himself; and he cannot be his own lecturer to discuss out their motives. He must get on without any attempt to point out the morality of his work, which remains implicit although it must be obvious. He must work easily within many bonds, seeming always to be free and unhampered; and he must turn to account these restrictions and find his profit in them, for they are the very qualities which differentiate the drama and make it what it is.

This essential difference of the drama from the novel is so keenly appreciated by every novelist who happens also to be a dramatist, that he is rarely tempted to treat the same theme in both forms, feeling instinctively that it belongs either to the stage or to the library. Often, of course, he writes a novel rather than a play, because he knows that a certain theme, adequate as it may be for a novel, lacks that essential struggle, that naked assertion of the human will, that clash of contending desires, which must be visible in a play if it is to sustain the interest of an audience. Many a tale, pleasing to thousands of readers because it abounds in brisk adventure, will not lend itself to successful dramatization because its many episodes are not related to a single straightforward conflict of forces.

When Mr. Gillette undertook to make a play out of the Sher-

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lock Holmes stories, which were not really dramatic, however ingeniously packed with thrilling surprises, he seized at once on the sinister figure of Professor Moriarty, glimpsed only for a moment in a single tale, and he set this portentous villain up against his hero,—thereby displaying his mastery of a major principle of playmaking. Many a novel has seemed vulgarized on the stage, because the adapter had to wrench its structure in seeking a struggle strong enough to sustain the framework of a play. Many a story has been cheapened pitifully by the theatrical adapter, simply because he was incapable of seeing in it more than a series of striking scenes which could be hewn into dialogue for rough and ready representation on the stage, and because he had seized only his raw material, the bare skeleton of intrigue, without possessing the skill or the taste needed to convey across the footlights the subtle psychology which vitalized the original tale, or the evanescent atmosphere which wreathed it in charm. Mr. Bliss Perry phrased it most felicitously when he asserted that "a novel is typically as far removed from a play as a bird is from a fish," and that "the attempt to transform one into the other is apt to result in a sort of flying-fish, a betwixt-and-between thing."

We all know that the ultimate value of certain accepted works of fiction is to be found, not in the story itself or even in the characters, but rather in the interpretative comment with which the novelist has encompassed people and happenings commonplace enough; and we all can see that, when one of these stories is set on the stage, the comment must be stripped off, the incidents and the characters standing naked in their triteness. But this betrayal is not to be charged against dramatic form, for all that the dramatization did was to uncover brutally an inherent weakness which the novelist had hoped to hide.

The novelist has privileges denied to the playwright; and, chief among them, of course, is the right to explain his characters, to analyze their motives, to set forth every fleeting phase of emotion to which they are subject. Sidney Lanier asserted that the novel was a finer form than the drama because there were subtleties of feeling which Shakespeare could not make plain and George Eliot could. Unfortunately for Lanier, his admiration for George Eliot is felt now to be excessive; and few of us are ready to accept Gwendolen Harleth as a more delicate attempt at portraiture

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than any one of half a score of Shakespeare's heroines, so convincingly feminine. But there is truth, no doubt, in the contention that the novel is freer, more fluid, more flexible than the play; and that there are themes and subjects unsuited to the stage and wholly within the control of the story-teller. To say this is but to repeat again that the drama is not prose-fiction and prose-fiction is not the drama,—just as painting is not sculpture and sculpture not painting.

But to emphasize this distinction is not to confess that the drama cannot do at all certain things which the novel does with unconscious ease. Is there no rich variety of self-analysis in "Macbeth," one may ask, and in "Hamlet"? Did any novelist of the seventeenth century lay bare the palpitations of the female heart more delicately than Racine? Did any novelist of the eighteenth century reveal a subtler insight into the hidden recesses of feminine psychology than Marivaux? It may be true enough that, in the nineteenth century, prose-fiction has been more fortunate than the drama, and that the novelists have achieved triumphs of insight and of subtlety denied to the dramatists. But who shall say that this immediate inferiority of the play to the novel is inherent in the form itself? Who will deny that it may be merely the defect of the playwrights of our time? Who will assert that a more accomplished dramatist may not come forward in the twentieth century to prove that the drama is a fit instrument for emotional dissection?

No one has more clearly indicated the limitations of the dramatic medium than Mr. A. B. Walkley, who once declared that the future career of the drama "is likely to be hampered by its inability to tell cultivated and curious people of to-day a tithe of the things they want to know. What the drama can tell, it can tell more emphatically than any other art. The novel, for instance, is but a report; the drama makes you an eye-witness of the thing in the doing. But then there is a whole world of things which cannot be done, of thoughts and moods and subconscious states which cannot be expressed on the stage and which can be expressed in the novel. In earlier ages, which could do with a narrow range of vivid sensations, the drama sufficed; it will not suffice for an age which wants an illimitable range of sensations, and, being quick in the uptake, can dispense with vividness." And then the brilliant critic of the London "Times" dwelt on

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the meagreness of Ibsen's "Master-Builder" when contrasted with "the extraordinarily complicated texture of subtle thoughts and minute sensations" in Mr. James's "Wings of the Dove."

It may as well be confessed frankly that, even in the twenty-first century, the playhouse is unlikely to be hospitable to an "extraordinarily complicated texture of subtle thoughts and minute sensations"; but we may ask also if the playhouse will really be very much poorer by this inhospitality. Even though a subdivision of the public shall find a keen pleasure in them, there are other things in life than subtle thoughts and minute sensations; there are larger aspects of existence than those we find registered either in the "Wings of the Dove" or the "Master-Builder." The texture of Mr. James's book may be more complicated than that of Ibsen's play; but this is not entirely because one is a novel and the other a drama. Both works fail in breadth of appeal; they are narrow in their outlook on life, however skilful in craftsmanship they may be, each in its own way; they are devised for the dilettant, for the men of cultivation, and for them only; and that way danger lies. Taine dwelt on the disintegration impending when artists tended to appeal to the expert rather than to the public as a whole. "The sculptor," so he declared, "no longer addresses himself to a religious, civic community, but to a group of isolated lovers of the art." In the future as in the past, the appeal of the playwright must be to the main body of his contemporaries, even though this be at the risk of not fully satisfying one group or another.

The art of the dramatist is not yet at its richest; but it bristles with difficulties such as a strong man joys in overcoming. In this sharper difficulty is its most obvious advantage over the art of the novelist; and here is its chief attraction for the story-teller, weary of a method almost too easy to be worth while. Here is a reason why one may venture a doubt whether the novel, which has been dominant, not to say domineering, in the second half of the nineteenth century, may not have to face a more acute rivalry of the drama in the first half of the twentieth century. The vogue of the novel is not likely to wane speedily; but its supremacy may be challenged by the drama more swiftly than now seems likely.

BRANDER MATTHEWS.

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OPPORTUNITIES AND RESPONSIBILITIES OF LEISURED WOMEN.

BY MRS. RUSSELL SAGE.

THERE is an immense amount of feminine talent and energy wasted in the world every day. This is not due to the indifference or the laziness of woman, for she is eager to do, to accomplish, to go out into the field of life and achieve for herself and for her kind. But she simply does not know how. One of the most important movements of the day, therefore, is the reawakening of woman, the building her up on a new basis of self-help and work for others. That movement will set loose an amount of energy and talent that will revolutionize our social life. In a recent article, entitled "A Plan for Girls with Nothing to Do," Mrs. Elsie Clews Parsons says:

> "Strange to say, there is a large class of persons, exclusive of paupers and criminals, who, during a certain period of their lives at least, seem to be purposely shut out from opportunities for systematic activity of almost every kind. I refer to the large, and I think growing, class of young women who do not marry for a period of from five to ten years after they leave school or college. I refer also, of course, only to those members of the class who are not engaged in wage-earning occupations, or in systematic, although, as a survival of an earlier family system, unpaid domestic labor."

What I have to say concerns all our idle rich women, and does not apply in any way to women whose domestic requirements are so great as to preclude them from activity in other fields. Among the idle rich of to-day are many women whose families have grown up, so that they are largely relieved of household responsibility and occupation. Such women have much time, money and executive ability; but they do not know how to apply them. They only await suggestion, or, better still, good leader-

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ship, to devote their powers to effective work. These women, finding their domestic occupation gone, drift quite naturally into club life; and clubs made up of this class are, as a rule, of a useful and beneficent nature.

The question broadly is, Is woman's sphere of usefulness becoming enlarged? Now, while it may not be expanding, still it is adjusting itself more effectively to her various talents. There is no doubt that woman's highest duty is the home, that her influence there is more powerful for the lasting good of mankind than anywhere else. But many women of high intelligence who are not married, or whose children have gone abroad into the world, carrying there the influence of their mothers' training to sweeten and strengthen their own homes, are bound by every law of morality to find a beneficent outlet for their powers. It is absurd to suggest that women who have a talent for music or literature or art should be enslaved by domestic drudgery, while the struggle for the civilization of the world is going on. As a matter of fact, many women with actual genius for household economy are contributing their influence through the press to the building up of artistic and hygienic homes, and thereby elevating the taste and promoting the health of the community. Would the influence of these women be so great if they were obscure in some remote village? A great percentage of the successful writers of the day are women, and their talent is more subtle and no less powerful than that of men. The theory that women are cowardly and capricious is a delusive outgrowth of the egotism of men. It does not require the citing of cases like that of Joan of Arc to refute such an absurd idea. The old saying that peace has its heroes as well as war is exemplified, I believe, almost exclusively in women. I verily believe that if one were to question indiscriminately a thousand men as to where they got their character, almost all of them would say: "My courage and stability came from my mother, my intelligence from my father."

I am not at all concerned with the question whether women are qualified to enter the fields of labor that have been so long preempted by men. Many of our grandest women are doing the work of men in the environment of women. As a matter of fact, the limitations of woman's field of endeavor are almost wholly physical. I refer of course to the ordinary American woman, because in Europe even physical limitations seem to have been

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obliterated. I have never been shocked and disgusted at the sight of a woman in this country yoked with a cow to a plough, a sight which, I am told, is common enough in the fields on the continent of Europe. Nor is the American woman available as a trunk-carrier, like her sister of Holland. Our Puritan mothers—no more than our gentle mothers of the South—had no idea of producing a race of purely physical creatures. Every woman of good American family is born with an inherent dignity of sex which nothing can take from her.

The question, then, is not what our women can do, but what they must do. With all the privileges and blessings that are their heritage go commensurate responsibilities. The moral law is just as exacting as the natural law. God had a purpose in planting high-toned and good women in American soil, both North and South. The women of the two sections are as different from each other as day and night, but each is a splendid type in itself. God meant America to be a nation of brains, or He would not have made it a free nation. He demands that those brains shall be used to cultivate themselves and the brains of others. Now the woman of to-day has demonstrated the quality of her talent, courage and endurance. Therefore there is no excuse for her not working. True, she is still far behind man in the matter of executive ability where great enterprises are involved, or as an organizer, but she is overtaking him with rapid strides. Just now, in civic affairs, her courage is perhaps a little in advance of her judgment. Her methods may not be so sophisticated, nor possibly so judicious, as those of her brother; but one is safe in saying that her purposes are infinitely more idealistic than his, and her attitude decidedly less compromising. A man may trade municipal for Presidential votes, thus sacrificing his city for the nation, his domestic welfare for the policy of the party in power. But who ever heard of a member of the Women's Christian Temperance Union who would in the slightest degree relax her attitude on the temperance question? I am not referring now to the women who form so-called "patriotic" clubs for the sole purpose of social life and without the slightest sense of the true import of the word "patriotism." The women of the land must learn that there is more real joy in work than in idleness; that eternal happiness is reached through work and sacrifice; that the temporary, butterfly pleasure is the *ignis fatuus* that lures through

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the beauty of youth and the strength and wisdom of mature womanhood into the slough of discontented old age.

The Lord bestowed upon American womanhood virtue, beauty, strength, and, in many cases, wealth and time. He expects what? First that the seed of virtue shall be disseminated throughout the race. Beauty is the manifestation of a pure heart and must be retained unsullied, that others may emulate it through purity of heart. It inspires as nothing else can. From strength, the Lord demands effort in the direction of civilization.

God has put woman with these tools into His vineyard and commanded her to work.

In the first place, she must kill the weeds and prepare the soil. Among the weeds to be found in this particular vineyard, the hardiest and most tenacious is selfishness, the result of teaching our leisure girls that they not only need not do for others, but not even for themselves. When a woman has nothing to do but receive the attentions and flatteries of others, she becomes selfish in the same proportion that another woman who works and sacrifices herself for others becomes unselfish. She becomes narrower, less mental, less moral, less idealistic, less useful, and more discontented in the same proportion that the other expands and develops towards higher character. Both of these processes are in obedience to the same law, the operation of which is quite obvious. The tragedy of it all is that the selfish woman is unconscious of her retrogression. She is hypnotized into depraved tastes by the example of those whom she has been taught to regard as paragons of good social form, which should have its basis in morality. There is great danger there for the young girl. The steps by which she may descend are short and the incline gradual. There are no sharp breaks to shock her into a realization of where she is going.

The importance of example to the young cannot be overestimated. The home atmosphere must be pure, if you would have pure children. While the act is but the manifestation of a mental condition, conversely there is grave and undoubted danger that it may by suggestion produce the same mental condition in others. The home atmosphere has been responsible for the continued integrity of the republic of the United States of America. While our great men have not come, as a rule, from the more aristocratic and exclusive circles, neither have they come from

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the slums. It is from an atmosphere untainted with the licentiousness of the one extreme or the moral filth of the other that the enduring virtue of American manhood and womanhood has sprung. As the perfect flower requires shade no less than sunshine, so perfect womanhood requires work no less than the brilliancy of social life for its perfect development. All sun or all cellar produces no perfect flower. There is an old and astoundingly fallacious theory that, to make a boy temperate, one should acquaint him with the taste and use of wine at the home table. I have never known this idea to be carried out without disastrous results. One might as well try to make a boy honest by putting him into a school of pickpockets.

When I was young, the idea of a girl smoking a cigarette or drinking a glass of wine was preposterous. Even men were not in the habit of smoking in the society of reputable women. Not long ago, I attended a dinner where there were as many women diners as there were men. Just before speech-making began, it was put to a vote whether or not smoking should be indulged in during that part of the dinner. The ladies present, not wishing to be obnoxious, voted "Yes," I being the only one that voted "No." The result was that the men indulged their love for tobacco to the discomfort of almost all the women present and the nausea of some of them. This sort of thing is remotely responsible for the cigarette-smoking habit among reputable young women. They indulge in order to affiliate with young men and be considered "good fellows."

Drinking is indulged in to an appalling extent by women of the wealthy idle class, and their daughters are following in their footsteps. The great danger of this is that the idle rich class influences the succeeding strata of society. This class is surrounded with a certain glamour that those not so high up in the so-called "social scale" mistake for something genuine, but which is the veriest sham. Bear in mind that I refer to no set or clique, but to a condition manifested in all parts of the country. Now, the persons of this class are widely imitated. If they drink it is considered smart to do so, and others follow suit. If they smoke cigarettes, other girls do the same.

Gambling is one of the inevitable concomitants of idle, extravagant life. Not only is this due to the fascination of the game, but too often to the necessity of winning money to support

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such an existence. Here are some instances: A gentleman I know was invited to dine at a fashionable country house. After dinner, he was about to leave for town, when the hostess invited him to a game of Poker. He declined at first, but on her insistence finally acquiesced. Chips were handed about in stacks to the players, and the game proceeded. Finally, the gentleman referred to found it imperative to retire from the game, in order to catch the last train. The hostess followed him into the hall, and quietly informed him that he owed her for the chips with which she as banker had supplied him, and which he had lost in the game. He protested that he had had no idea that they were playing for actual money. The hostess rejoined that that was out of the question, as it was always understood that chips meant money. "I'll give you my check now, or send you the money to-morrow from town," said the gentleman. "No," said the hostess, "you must pay up before you leave this house"; and, rather than make a scene, he called one of the gentlemen aside and borrowed the money to make good his losses.

The trouble is that the wives of many men in this class squander in gambling and other forms of dissipation the money their husbands give them for household expenses, and are compelled to resort to just such measures to make up the deficit, lest their husbands find out the true state of affairs and adopt drastic measures to correct them. Here is an instance of the meretritious extremes to which some persons resort to recoup their losses: A charming young girl whom I know was induced frequently by two young ladies to play Bridge Whist. She did not realize that she was gambling, until she was told by the mother of the young ladies that she was in debt to the extent of $600. "Why," she cried, "what can I do? My people would be outraged if they knew I'd been gambling!" "That doesn't matter," was the reply; "it is a debt of honor and must be paid—somehow."

An old friend of mine who regularly visits Palm Beach said that the gambling habit obtains among the young lady visitors there to a scandalous extent. She was astounded, she said, at the way in which they would come into the rooms specially fitted up and set apart for the purpose, and, taking off their gloves, settle themselves at the tables for long and serious play.

A clergyman told me the other day that Lent was no longer a season of fasting, but one of Bridge Whist and Euchre.

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Week-end parties have Bridge Whist as a sole purpose. Rooms are hired and furnished, in all parts of New York city, by fashionable young women who do nothing but gamble there. I was sitting in my carriage not long ago, and, seeing a young friend of whom I am fond walking up the Avenue, I invited her to drive with me. But she waved her hand, and exclaimed, "I can't to-day. I've been losing at Euchre, and now I'm going to make it up at Bridge," and she hurried on.

The vices that I have mentioned are the weeds growing up in the garden of American womanhood that strangle and dwarf the flower. They spring from the seeds of selfishness and flourish in the soil of idleness. They are directly incompatible with the development of beneficence and self-sacrifice.

The American woman did not inherit vices from her ancestors. They are direct imitations and importations, and there is danger of their tainting the whole social mass. So, as a matter of fact, missionaries are needed among the idle rich more than in any other class. It is here the weeding-out process must be carried out. This work belongs to a certain class who must make virtue fashionable in their own set. Many women are awakening to the necessity of this, and with them rests the salvation of woman.

Queen Victoria set her face inflexibly against any breach of the moral code and did more for English civilization than any statesman or scholar. President Roosevelt is setting the pace of higher life and decent living.

It is just as easy to make good the fashion as bad. When Mr. Gladstone was urging Parliament to adopt measures for the establishment of the Post-Office Savings-Bank, he was jeered at. A friend said to him: "Why, these colliers and draymen and all that class of men spend their nights and their money in the public houses, like their fathers before them. You can't change that traditional habit." "It's just as easy to make virtue fashionable as it is to make vice fashionable," replied the optimistic Mr. Gladstone. "These people must be taught the habit of saving instead of spending." The Postal System was adopted, and some ten years ago there were many millions of pounds sterling on deposit with the Government to the credit of the masses. Now, when you reflect that that vast sum had been diverted from the public house, that it represented a transmutation of vice into virtue, its true significance may be grasped.

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The idle rich are no more vicious than the idle poor, but they are much more lacking in sympathy with one another. A rich woman is not different from a poor woman except in the matter of money, and one of the greatest barriers to her usefulness as a missionary among her less fortunate sisters is her failure to realize this truth. One should remember that in America what is called "blue blood" is distributed through both classes—with a preponderance of it, perhaps, among the unmoneyed class.

Woman has advanced greatly, not so much mentally as towards emancipation, in the last twenty years. This emancipation has thrust upon her responsibilities which demand superior mental equipment. Twenty-one years ago, I did not think that women were qualified for suffrage; but the strides they have made since then in the acquirement of business methods, in the management of their affairs, in the effective interest they have evinced in civic matters, and the way in which they have mastered parliamentary methods, have convinced me that they are eminently fitted to do men's work in all purely intellectual fields. When I was a girl, the schools for young ladies in America taught deportment, crocheting, French, music and what might be called the gentler arts. But now they teach higher mathematics. Woman is entering the domain of high professionalism, and her mind is expanding accordingly. When I first acted as a member of the Board of Trustees of the Woman's Hospital, there were twelve women and thirteen men on the Board. The male portion of the Board was made up of lawyers mainly, and at Board meetings the women were outargued by them, and voted as they did.

The field of labor for the women of the idle class is vast. There is no village so small, no town so free from corruption that it does not afford ample opportunity for missionary work. Every woman can make her village or town better. She can form a "sunshine club," the individual rays of which may penetrate and cheer the sick chamber or render the abode of poverty less desolate. Her excuse for interesting herself in civic affairs is that her husband has paid taxes or rent, which is the same thing; and it is just as much her duty to see that he receives full value for his money as it is to see that the butcher does not cheat him. She must see to it that the village is properly policed, so that her daughter may be protected from ruffianism, or that her son may be guarded from evils that lurk in the dark. Her husband has

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paid for good sanitary conditions, and she must see to it that the money appropriated for that purpose is properly expended, so that the health of her family may be secured against infection.

The tender-heartedness of woman will naturally lead her to use her influence in bringing about a humane treatment of animals. Taking as her example King Edward and Queen Alexandra and our own President Roosevelt, she should set her face against the docking of horses. Yet is she almost solely responsible for the equally barbarous fashion of wearing for her adornment the plumage of small birds. This cruel practice she should unhesitatingly abolish.

It is impossible to classify the talents of women, to differentiate their quality from that of the talents of men. But there are fields of work that have formerly been preempted by men which I think obviously belong to women. Among them is preeminently the protection of the home. American mothers must guard their offspring against the debilitating effects of the poisoned milk that is literally flooding the country. If a woman cannot do anything else, let her be a milk-inspector. If she lives on the farm, let her see to it that her husband sells pure milk; if she lives in the city, let her see to it that the milkman does not put his cans of milk in or near infected quarters.

In our great cities many women are necessarily lonely or are forced into vicious society. And this loneliness is not ameliorated by attending balls and other entertainments. It is unfortunate that men of small means, having to attend business, must leave their wives much alone in hotels and boarding-houses. It is not woman's nature to be philosophically resigned to solitude. She must have society, preferably good, but she must have society. An inexperienced man is apt to neglect his wife and still expect her to be as chaste as Lucrece. There is a great field for work among the unemployed wives of salaried men. If the idle rich woman would only learn to look upon her sister of this class as the daughter of a woman like herself, coequal with her before God, she would take her by the hand and draw her out from her solitude, and by so doing reap a reward in the unfolding of her own character.

One cannot but regard the wonderful work of the Salvation Army in the reclamation of fallen women as a direct refutation of the contention of sociologists in certain European countries

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that vice is necessary, and of the inevitable and horrible deduction that we must permit our sisters to lie where they have fallen. That may do very well for Europe, but we Americans stoutly deny that vice is in the slightest degree necessary to civilization. We point with pride to the result of the inflexible rule of the Puritans. Occasionally, there comes to one the astoundingly idiotic suggestion of the licensing of a certain form of vice as a sanitary measure. Imagine American mothers teaching their sons the Lord's Prayer, and then sending them to the Legislature to make laws for licensing the sacrifice of the purity and happiness of their sisters. No: sanitary conditions come from within; they spring from the moral nature of man. I may be charged with idealism. If so, I acknowledge the compliment. But I am also intensely practical. I believe in striking at the root of evil. Woman must be rigid, uncompromising in her attitude towards vice. No great movement ever succeeded that evinced the slightest moral laxity.

In reading a little book called "Precipices," a sketch of Salvation Army social work, one is astounded and inspired by the courage, the kindness, the indomitable perseverance of the uniformed sister in reclaiming fallen women, and by the illimitable patience with which she keeps on reclaiming them as they fall again and again, until the cure is permanent. And a consideration of the abuse that the rescuing sister suffers, the appalling degradation which confronts her in her efforts, compels a recognition of the fact that no other motive than the divine sense of duty could sustain her through the ordeal.

The only remedy for the social evil in any Anglo-Saxon country is apparently in the education of the children—boys and girls. This teaching must be candid, drastic. Half of the difficulty attending it comes from a very natural, but very cowardly, sense of delicacy about discussing such topics. One should remember that any subject can be discussed with dignity by a lady.

Woman has brains, energy and courage, and no one has any moral right to waste time. Time is the most precious thing in the world, because it is the only thing that cannot be replaced when lost. Woman is responsible in proportion to the wealth and time at her command. While one woman is working for bread and butter, the other must devote her time to the amelioration of the condition of her laboring sister. This is the moral law.

M. Olivia Sage.

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A PENSION FUND FOR COLLEGE PROFESSORS.

BY CHARLES F. THWING, LL.D., PRESIDENT OF WESTERN RESERVE UNIVERSITY AND ADELBERT COLLEGE, CLEVELAND.

THE foundation of a pension fund for teachers in American colleges, which Mr. Carnegie has laid, illustrates at once the individualism which has, up to the present time, characterized American life, and also the socializing tendency which is becoming potent. This foundation is the act of an individual standing quite alone in human history in his determination to use a part of what he calls his "surplus wealth" for human betterment. The foundation also represents a service done for individuals by an association of the community, which these individuals have been accustomed to think they should do for themselves. It is, therefore, at once individualistic and also communistic, in a proper use of the good, but much-abused, word.

When the gentlemen, who, as Trustees, are to administer this great foundation of ten million dollars, turn at their first meeting, the 15th of November, for help to the accumulated experience arising from the administration of relief funds, they will not be able to find aid of serious value. Such lack, however, will not, it may be well believed, cause them embarrassment. Americans still are fond of trying social experiments, as they have liked to strike our democratic constitutions and bills of right for themselves, untouched by the successes or failures of other nations.

Should the gentlemen who constitute the Trustees of the Carnegie Foundation seek for light from the sources whence has come the inspiration of American scholarship for the century, they would find a somewhat complex system of pensions, not only for professors of the universities, but also for professors' widows and children. The paternalism of Germany is nowhere more

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manifest than in its interest in the sustentation of the officers of its higher schools. The system is at once local and imperial, or at least territorial. It began in its local relationships as early as the last years of the seventeenth century, and in the more recent times it has been made the subject of important changes. As early as 1688, at the royal university of Marburg, the rector, the deans and the professors established a so-called Widows' Fund. Of this fund every new professor was obliged to become a member. In 1736, and in 1856, the original statutes were amended. The annual membership fee was thirty-six marks, and to this membership fee were added shares of certain other fees paid to the professors. The pension of a widow in the year 1888 was, for each year, six hundred marks. In case of her remarriage, the fund was transferred to the children. Orphans received the same amount as the widow received.

The practice which thus began in Germany near the close of the seventeenth century has, in the more than two hundred years, passed through a great variety of changes in both principle and administration. At the present time, in all the universities, a system, large and exact, of definite rules and procedure, has come to obtain. Among the more important of these rules, as they touch the nine Prussian universities, are:

"If a teacher retire after completing the tenth year of service, but before completing the eleventh, the pension amounts to fifteen-sixtieths of the income which he received, and is increased one-sixtieth each year. But the whole pension is never to exceed forty-five sixtieths.

"The pension of a widow shall consist of forty per cent. of the pension to which her husband was entitled, or would have been entitled if he had retired at the time of his death. The pension of no widow, however, is, as a rule, to exceed two thousand marks.

"The pension of a child whose mother is still living is one-fifth of the pension of the mother, and the pension of a child whose mother, as well as whose father, is living, is one-third of what the mother's pension would have been.

"These pensions are paid monthly, each month in advance. They can neither be mortgaged nor transferred."

The laws concerning pension conditions at the University of Giessen are not dissimilar. The official statement is:

"If an official shall be retired after completing the fifth year of service, he shall receive as retirement salary (pension) forty per cent. of his salary. For each additional completed year of service, from the

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sixth to the tenth year of service, there shall be added two per cent.; from the eleventh to the thirtieth, one and one-half per cent., and from the thirty-first to the fortieth year of service one per cent.

"Whoever shall be retired after completing the fiftieth year of service shall receive the full amount of his salary as pension."

But such methods offer little aid beyond general suggestiveness to the Trustees of the Carnegie Foundation. Neither will these Trustees find themselves better off when they turn to the history of the sustentation or similar funds established by the churches of the founder's native country. These funds, like the funds for the same scholastic or professional purpose which have been established by the American churches, are the result, usually, of a vast number of small contributions. Their income is distributed to disabled clergymen, or to their families. The appropriations are as a rule made by a central board, and the amount distributed to each beneficiary is determined, usually, by the need. The pension funds, too, which certain cities give to certain of their employees, as policemen or firemen, will likewise offer little help in the administration of the Carnegie income. Even the pension funds for teachers, which a few cities such as Rochester and a few States such as Pennsylvania, have been seeking to establish, are so recent in their origin and of a tenure so uncertain, by reason of legal or other questioning, that slight will be the aid to be thus derived. It is, however, worth while to give a summary of the proposed law of Pennsylvania:

"It provides that any public-school teacher, who has taught for thirty consecutive years within the State, shall be retired upon reaching the age of sixty years, upon a pension equal to one-half the salary received by such teacher during the last year of his or her actual teaching. Provision is made that, where a teacher desires to retire before reaching the age of sixty, or it is desirable to retire such teacher, the State superintendent shall appoint one school director, one public-school teacher and one physician to make investigation of the case. If this commission reports in favor of retiring the teacher, the State superintendent shall act accordingly and place the teacher upon the pension-roll. In case any teacher is re-employed after the pension is granted, the pension ceases and only becomes operative again when the teacher ceases active work. All pensions are to be paid out of the State Treasury upon warrants drawn by the State Treasurer."

But the Trustees will be able to turn for assistance to several colleges which have already introduced a pension system. The method that obtains at our oldest college reminds one somewhat

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of the systematic rules which have long been applied in the German universities. Among the Harvard rules are:

"1. Any person in the service of the University and sixty years of age, who has held an office of the grade of an assistant professorship, or of a higher grade, for twenty years, shall be entitled to a retiring allowance of twenty-sixtieths of his last annual salary in activity, and to an additional allowance of one-sixtieth of his last annual salary for each year of service in addition to twenty; but no retiring allowance shall exceed forty-sixtieths of the last annual salary in full activity. In counting years of additional service, years of continuous service as member of a Faculty with the title of tutor, instructor, or lecturer, or as assistant in a scientific establishment on an appointment not annual, may be added, at the discretion of the President and Fellows, to the years of service as assistant professor or in a higher grade.

"2. No person under sixty years of age shall be entitled to a retiring allowance; but the President and Fellows may at their discretion pay to any person who, while in the service of the University, has become incapable of discharging his duties by reason of permanent infirmity of mind or body, or has resigned, before the age of sixty, an allowance not exceeding that which he would be entitled to receive under Rule 1, if he had reached the age of sixty.

"3. No person who has been in the service of the University less than twenty years as assistant professor or at a higher grade shall be entitled to a retiring allowance; but in computing the retiring allowance of a person who entered the service of the University, as a professor or at an equal grade, at an unusually advanced age, the President and Fellows may, at their discretion, add a number of years, not exceeding ten, to his actual years of service; and such a person may be granted a retiring allowance as soon as his total service, including the constructive addition, reaches twenty years."

The most impressive features of the Harvard method are, simply, that a pension is based upon the length of service, and that the incumbent has the right to avail himself of its advantages at the age of sixty. The system at Columbia University provides that an officer who has held an office higher than the office of assistant professor for fifteen years, and who is sixty-five years old, or over, may be retired upon an allowance of one-half of his last annual salary. Yale University offers a pension to an assistant professor, or a full professor, who has reached the age of sixty-five and has served the university for twenty-five years or more. Upon his own request, at the age of sixty-five, he may retire with an allowance equal to one-half his last annual salary. This act, which was passed in 1896, was amended two years ago, so that it obliges the retirement of all teachers at the age of sixty-eight,

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except in certain cases in which, by formal vote, a different result may be directed. In Cornell University, and also in the University of Toronto, there prevails a system unlike that obtaining in Harvard, Columbia, or Yale. It represents a compulsory contribution, made on the part of a professor, in order to constitute a retiring fund. A professor of Toronto receiving one thousand dollars, contributes five per cent. of his salary to this fund. The rate upon a salary from one thousand to eighteen hundred dollars is seven and one-half per cent.; upon a salary between eighteen hundred and twenty-five hundred dollars, ten per cent.; upon a salary between twenty-five hundred and thirty-two hundred, fifteen per cent., and upon a salary of over thirty-two hundred dollars, twenty per cent. The laying of this tax, it should be said, caused a certain increase in the stipends of teachers. The rules of Toronto contain no intimation of the age of either a voluntary or compulsory withdrawal.

The pension fund of Cornell was established by a gift of $150,000 made two years ago by a friend of the University, whose name is withheld. This amount of money, it is supposed, will amount to $250,000 in the year 1914. This sum is regarded as the "inviolable capital of the Professorial Pension Fund." No draft is to be made upon this fund until the year 1914. In addition to this fund, contributions are made on the part of professors, which, it is supposed, will provide for one-fourth of the pension to be ultimately received. The contributions made by the professors are tabulated as follows:

Age of Professors at Appointment.	No. of Annual Payments by Professors.	Annual Payment.	Age of Professors at Appointment.	No. of Annual Payments by Professors	Annual Payment.
30	40	$33	45	25	$71
31	39	34	46	24	75
32	38	36	47	23	80
33	37	38	48	22	85
34	36	40	49	21	91
35	35	42	50	20	97
36	34	44	51	19	104
37	33	46	52	18	112
38	32	48	53	17	121
39	31	51	54	16	131
40	30	53	55	15	142
41	29	56	56	14	155
42	28	59	57	13	170
43	27	63	58	12	187
44	26	67	59	11	208

The whole amount of a pension to each professor is to be fifteen hundred dollars a year. It takes effect at the age of seventy. In

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case of resignation, removal or death, before reaching the age of seventy, contributions which have been paid to the fund by a professor are to be repaid to him, or to his estate, interest being allowed at the rate of three per cent., compounded semiannually.

Mr. Carnegie has, in this instance, as is his custom in making his benefactions, seen fit to commit the administration of this fund to the Board, unencumbered by many rules. He prefers to trust the men of to-day, and their successors in the endless generations, to administer this fund under the guidance of principles, rather than to lay upon them specific requirements arising out of his own will. He is wise. The history of the beneficiary funds of England since the time of Elizabeth proves that rules become, through the change of social, civil and industrial conditions, inapplicable. But the history also proves that wise men and true are to be found in every generation in the community qualified to administer beneficiary trusts in at least the spirit of their foundation. Men are better than laws, even than constitutions.

But in the administration of the present Foundation, there are two elements which it may be somewhat difficult properly either to interpret or to apply. One of these will occasion difficulty much less serious than the other. The purpose of not offering aid to the members of the Faculties of the various State Universities will be easily understood. The Founder believes that the State should care for those who teach in its chief organized school. Of course, he is right. The State is able to care for its officers, and ultimately it will care well for those who have served it long and usefully in most important and underpaid positions.

But difficulty will emerge in deciding how far forth aid should be given to members of the faculty of what are called "denominational," or "sectarian" institutions. Religion, interpreted in its broadest element as the relation held by a person to a Supreme Power, must necessarily be a concern of the college. It represents a philosophical question which cannot be avoided. Most colleges, too, are what are called "denominational." Religion in the United States is usually understood to be the Christian religion. The Christian religion has organized itself into churches,—churches Roman Catholic and churches Protestant. The churches Protestant have in turn organized themselves into denominational churches. Denominations are, in certain cases, loosely organized, like the various branches of the Congregational Church. In some

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cases, these churches are more or less stiffly organized, like the Protestant Episcopal, or the Presbyterian. Each of these bodies has colleges, and these colleges hold a close relation to these separate denominations which are their founders or sponsors. It is sometimes said that a college is denominational but not sectarian. Herein is a difference in terms, but the difference may not be so significant as those who use these terms are apt to emphasize. In fact, I do not know of any college which would care to call itself "sectarian." Yet, many colleges do call themselves "denominational." Behind all the discussion of the difference, if there be a difference, in meaning between the two terms, lies the general feeling that a denomination represents the general deposit of Christian truth, and that a sectarian body represents a special and peculiar emphasis laid upon a single truth. The name of Baptist would seem to indicate that that church might be a sect, yet members of that church would be prompt to declare that such an interpretation is logically false, historically unsound, ecclesiastically ungracious. Members of the Protestant Episcopal Church would be the last to call themselves a "sect." Bishop Dudley used to tell with glee the story of one of his fellow Kentuckians who remarked that the Bishop had come into the mountains to found "a new sect." No, the current distinction in feeling and in speech which is made between a sect and a denomination is not so significant as it sometimes is intimated. No Protestant college known to me requires that each of its professors shall be a member of the certain church which it is supposed to serve. No college known to me declines to admit students who are members of other communions than that which the college represents. In fact, most denominational colleges are only too willing to get hold of adherents of other faiths. For, is not each church college a missionary? Indeed, many colleges which are called denominational declare that they are denominational only in the sense that they represent a force which the whole denomination desires to offer to humanity for its enlightenment and improvement.

In fact, the question which the Trustees of the Carnegie Foundation will be obliged to consider will be a complex one. It will have relation to the accent which a college puts upon religion, in comparison with the emphasis which it lays on scholarship. It will have relation to the comparative emphasis which the college

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puts on the great, comprehensive Christian truths, and to the emphasis which it puts upon certain expressions or formulas of these truths. Questions of emphasis are hard to interpret and to determine. For some would say that Christian doctrine is only dogma writ large, and others would affirm that dogma is only doctrine writ clear. The emphasis, too, placed upon Christian teaching and practice in the class-room is of more vital consequence than formal statements found in academic constitutions and by-laws. The emphasis, also, placed by the student body, in its informal gatherings, upon Christian teaching and practice has quite as much to do with academic atmospheres as formal or informal statements made on the part of officers.

It may be said in passing that already one good effect of the intimation of a purpose to grant no aid to a certain type of the denominational college is emerging. Certain colleges which have been open to the charge of being narrow in their religious beliefs or practices, are already adopting measures to rid themselves of the basis of such a charge. For practically all American colleges seem eager to avail themselves of the benefits of this great beneficence. They are determined that no condition which they can properly remove shall prevent their being regarded as on the list of beneficiaries.

Besides the large religious and ecclesiastical questions, two problems at once emerge. One of these problems relates to the administration of the Foundation either as a system or on the basis of individual need. Should the amount of appropriations be based on such considerations as the length of professional service, age of the beneficiary, amount of salary received, or should it be based on the simple need of the beneficiary? The former method obtains in Germany. It also obtains in some of our own American institutions. It is a method easier to administer. It is certain and fixed. An applicant can readily determine what he should and will receive, in case he receive anything. But the method based on the character and the need of the proposed beneficiary, though harder to administer and subject to the peril of injustice, is more readily adjusted to human and humane conditions. Systems are good or bad, but individuality of treatment may be, and should always be, best. For securing such sound interpretation and advantageous application, qualities of the highest wisdom will be required.

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A further question is allied to the problem of method. It is the question of the standard of professional efficiency, or of personal desire, which should entitle a professor to become a petitioner for this bounty. But this question is one which need not belong to the whole body of Trustees, but should be answered by the Trustees of the individual institution to which a petitioner belongs. Intimations are emerging that the Trustees of this Foundation will not receive applications from individuals, but only from the official boards of the colleges in behalf of their own individual teachers. Through such a method, the Carnegie Board will relieve itself of a vast number of applications with which it would be difficult to deal fairly. They will thus place the responsibility of petitions upon those who are able to bear it with justice, kindness and efficiency.

This great and unique Foundation bears a special message to two classes. First, it bears a message to the Trustees of American colleges. It is the message that this beneficence shall not be suffered to interfere with the still further progress of the increase in the salaries of college teachers. These salaries are increasing, but the increase is slow and the resulting amount is not adequate. College Trustees should not, and will not, unload their own duties of making proper compensation to the members of their faculties upon the Trustees of the Carnegie Foundation. This great gift also bears a message of invitation to young men who are making the great choice of a life's calling. To enter the noble vocation of the teacher in an American college, young men of virile and vigorous stuff do not like to think of themselves as pensioners. This Foundation does not oblige them thus to think. It cannot fail to render more attractive to the ablest men and best a calling which has, in recent years, been in peril of failing to summon the worthiest.

CHARLES F. THWING.

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THE ALTERNATIVE OF RECIPROCITY TREATIES OR A DOUBLE TARIFF.

BY JOHN BALL OSBORNE, CHIEF OF THE BUREAU OF TRADE RELATIONS, STATE DEPARTMENT; LATE JOINT SECRETARY OF THE RECIPROCITY COMMISSION.

THE regulation of the future commercial relations of the United States with the principal countries of Europe—especially Germany and her trade allies—as respects mutual tariff treatment of imports of merchandise, constitutes decidedly the most important economic problem that has presented itself in many years. Disregarding a comparatively few instances of preferential treatment arising from reciprocity arrangements, the general policy of the United States has always been to treat the products of all foreign countries with impartial uniformity by adhering strictly to the single-tariff system.

Assuming that a change in this time-honored policy shall become expedient, there are two alternative methods of solving the problem—reciprocity by a series of tariff treaties, or the enactment and application of the double-tariff system. The former solution would be accomplished through diplomacy, the resulting treaties being ratified by the Senate, and subsequently carried into effect by Congressional legislation; the latter would depend upon Congressional initiative and action, the resulting tariff schedules being then, in all probability, applied by the executive branch of the Government, through the medium of special treaties, to meet the different foreign conditions.

It has been alleged of late that our Government is engaged in groping around for an effective policy for use in meeting the emergencies of the future. So far as this might imply vacillation, the statement is not correct; but it is certainly true that events must crystallize before the necessity of abandoning the single-

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tariff system can be demonstrated. At any rate, it should be of interest to notice the salient features and, in some measure, the relative merits of reciprocity and the double-tariff system.

I. *Reciprocity by Treaty.*—Reciprocity as a policy has had many vicissitudes in the United States, but has never been tried upon a large enough scale to test its potential merits. Our comparatively unfavorable experience with Canadian reciprocity under the Marcy-Elgin Treaty of 1854, in the period from 1855 to 1866, is not much of an argument for general application, for there were many controlling factors, both economic and political, in that isolated case. Nor is the enormous revenue sacrifice entailed by the former Hawaiian Reciprocity Treaty, justified as it was by considerations of high statecraft, a valid indictment against the policy. The same applies to our existing Treaty with Cuba. On the other hand, in all fairness, it must be conceded that the remarkable success and popularity in exporting circles enjoyed by the Blaine Agreements of 1891-'92,—which were put into operation by Presidential proclamation without submission to the Senate, and remained in force less than three years—were achieved without any real sacrifices on the part of the United States. It will be recalled that the Tariff of 1890 made the articles raw sugar, molasses, coffee, tea and hides, free of duty, while the third section, upon which those Commercial Agreements were based, authorized the President to suspend free entry of such imports from countries which should impose unreasonable duties upon American products, whereupon certain duties therein specified were to be collected. In compensation for the simple guaranty by the United States of the retention upon the free list of sugar, molasses, coffee, tea and hides, the contracting countries —ten in number, mostly of Latin America—granted important tariff concessions to American products. Under such auspicious circumstances, so favorable to this country, this experience with the reciprocity policy was certain to meet with favor in all branches of our industrial activity, for it injured no American manufacturing interest in the slightest degree. This is an important point to which I have rarely seen attention called in discussions on the subject of reciprocity. It is manifestly unfair to draw invidious comparisons between the reciprocity arrangements of the Harrison administration and the abortive reciprocity treaties of the McKinley administration, for the conditions pre-

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sented to the respective negotiators were radically different. Mr. Kasson found it impossible to get something for nothing, and in order to secure valuable concessions for American commerce in France, the British West-Indian Colonies, the Argentine Republic, etc., he was obliged to pledge reduction of our existing duties, within the authorized statutory limit of 20 per cent., upon certain articles imported from the contracting countries. This involved some sacrifice on the part of certain of our domestic interests for the sake of the general welfare of our export trade. Some of these special interests protested earnestly, claiming that the reductions proposed upon foreign products entering into competition with their own would be injurious, if not ruinous. These protests were effective, and Mr. Kasson's arduous work under the fourth section of the Dingley Tariff has gone into history as a failure. The practical question arises, Has there been such change of sentiment in the Senate on the subject of reciprocity treaties as to warrant the negotiation of a new series of equally comprehensive scope, and to give reasonable promise of a better reception for them in that august body?

It is being freely suggested by American trade bodies in resolutions, by our exporters and importers engaged in trade with Germany, and by editorial writers, that the best way to settle prospective commercial differences with that country is for the United States to conclude a liberal reciprocity treaty. They have little or nothing to say about similar treaties with the other Powers of Europe, at least in this connection, and probably do not realize the significance of the conclusion of such a treaty. With a reciprocity treaty favoring German products once signed, it is not to be imagined for a moment that Germany's several rivals in our markets would be satisfied until they had secured a fair measure of equality of tariff treatment for their own products. This would necessitate a separate treaty in the case of each of the great commercial Powers, each treaty being adjusted to the trade of the particular country with the United States. For example, certain of Germany's commercial rivals would seek and probably secure tariff concessions approaching in value those previously granted to that country, but hardly coextensive, for the simple reason that the comparative state of their import trade in American goods would not permit them to reciprocate as fully as Germany. On the other hand, other coun-

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tries with less diversity of manufacturing industries would be indifferent to some of the concessions granted to Germany or Austria, and would seek reduction of duties on entirely different articles. In the end we would have an American conventional tariff, as well as a general tariff, but it would be quite different from the European general and conventional tariff system.

This difference involves one of the most interesting and complex problems in American diplomacy,—consistent adherence to our time-honored interpretation of the most-favored-nation clause in treaties, which is in direct opposition to the European interpretation. There have been two or three instances in years long gone by when a Secretary of State has departed from the fixed practice, but, from the time of Thomas Jefferson until the present moment, the rule has been that the most-favored-nation stipulations which are found in nearly all our treaties of commerce and navigation have no applicability to reciprocity arrangements; hence, where one Power has granted certain tariff concessions to another in return for equivalent compensation, no third Power having most-favored-nation relations with either of the parties to the reciprocity treaty can, under the American interpretation, secure the extension to itself of these concessions *unconditionally and without yielding special compensation.* In fact, it is evident that the gratuitous extension to third Powers of commercial advantages exchanged in reciprocity between two countries is absolutely inconsistent with the true principles of reciprocity as understood in the United States; it would not only seriously impair, and even tend to destroy, the value of the original grant, but it would also involve duty reductions upon the entirety, or at least the bulk, of importations from the world of the articles of merchandise affected, thus constituting a serious sacrifice in national revenues. If this policy were adopted by our Government, it would, to be sure, simplify the reciprocity question, but the internal economic effects would be practically the same as if Congress were to revise and reduce the tariff, the only difference being that our foreign trade interests would be benefited by the employment of diplomacy, whereas simple tariff revision would insure no immediate betterment in that respect. It will be perceived, therefore, that the American interpretation of the most-favored clause is essential to American reciprocity.

If we should pursue an elaborate reciprocity programme, the

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result would necessarily be a series of independent treaties with the several commercial Powers of the world. The state of trade might justify identity, or close similarity, of concessions in some of these conventions; but each would have to stand upon its own merits, and the new American conventional tariff could only be determined by consulting each treaty of the series in turn, without reference to the others.

These considerations make American reciprocity negotiations unusually difficult, but by no means impossible. It was my privilege to be associated, in a subordinate capacity, with the Hon. John A. Kasson during the four years in which he labored so ably and indefatigably in seeking to carry out the plans for reciprocity authorized and directed by Congress in sections 3 and 4 of the Tariff Act of July 24, 1897. At one period, I saw him engaged in negotiating simultaneously with the diplomatic representatives at Washington of no less than twenty different foreign Governments, giving adequate attention to each country, seeking special concessions from each, always studying the industrial effect of reductions of duty demanded in compensation, pondering carefully the proposed sacrifice of revenue, and making a fair appraisement of the bargain. The eleven treaties negotiated by Mr. Kasson and transmitted to the Senate may not have been faultless—in fact, they were not; but, considering that the whole series was the work of one man, who, at the outset, was long past the age when most men lay aside the great activities of life, they represented a remarkable achievement. Mr. Kasson has demonstrated that an American reciprocity treaty system is practicable. It is, indeed, an intricate system; but the *onus* of its inevitable complications and perplexities falls upon the negotiators.

II. *The Double-Tariff System.*—The second promising method of solving the commercial problems presented to the United States, as the result of the policy of discriminatory tariff treatment pursued by France and a few other foreign Powers, as well as of the possibly adverse attitude of Germany and her commercial allies of Middle Europe, lies in a system of maximum and minimum duties on the same articles of import, commonly known as "the double-tariff system."

This system was first employed by Spain in 1877, her schedule of duties in the tariff of that year being arranged in two columns, the first for countries already enjoying most-favored-nation treat-

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ment, and the second for other countries. Spain's early experience with the new system, however, was rather unsatisfactory, especially in her relations with France. Consequently, in 1882, the two countries concluded a reciprocity treaty wherein Spain sacrificed a large portion of her minimum tariff, thereby creating *pro tanto* a conventional tariff; and, again, by the time she revised her tariff in 1886 most of the minimum duties had already been established by treaties with various countries. The same thing has happened in later years, so that it is not to Spain that we should go for the purpose of studying the operations of a consistent system of double-tariff.

France is the only country that has employed this tariff system with success and fairly consistently for several years, and her experience is worthy of our careful attention. Its adoption by the French Chambers in January, 1892, was due to the indefatigable efforts of M. Méline, who had earnestly advocated it, on different occasions, for nearly twenty years. The principal motives actuating the Chambers in enacting the Méline Bill seem to have been the dissatisfaction of the business interests of the country with the state of foreign commerce under the system of conventional duties, and the desire of the high-tariff elements to retaliate against the United States for our high tariff of 1890.

An excellent exposition of the French double-tariff system is contained in the "General Report made in the name of the Customs Commission appointed for the examination of the Bill relative to the Establishment of the General Customs Tariff, by M. Méline, Deputy." This Commission was composed of eight members, besides the secretaries; but the only familiar name is that of the president, M. Méline, who made this report to the Chamber of Deputies in its session of March 3, 1891. The tariff bill accompanying the report was enacted by both branches of Parliament and became a law January 11, 1892, going into effect February 1, 1892.

In this report, the Commission sketched the history of the conventional-tariff movement inaugurated by the famous Cobden Treaty of 1860 with England, and pointed out that the development of French foreign commerce had been far from satisfactory and adequate to the needs of the country under that system. They contrasted the natural conditions in England with those of France, declaring that the former were more favorable for the

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employment of a low-tariff policy, and criticised the Cobden treaty as being extravagantly liberal on the part of France. In discussing the statistics of French commerce, they said that the movement up to 1869 had been fairly satisfactory, but unfavorable since then. Of late years, several leading countries, including the United States, Russia, Austria-Hungary and Germany, had pursued a different policy from France by raising their tariffs. The Commission was opposed to the single-tariff system on the ground that it presented too many inconveniences and dangers. France, they said, would be forced to adopt the extreme of protection like other single-tariff countries, which would compromise the export interests and deprive the Government of the concessions which it had obtained under the conventional system from foreign countries, for, if France should place herself in the position of denying favors to others, there would be no possibility of demanding them in return. Measures of retaliation might become necessary, which were to be avoided. They rejected the proposal that short-term treaties for five years or less be concluded, pointing out that such course would fail to give stability to the economic system of the country and would provoke a tariff discussion every four or five years. Tariff revision, they said, was desirable only at long intervals and on a few articles, while tariff treaties need frequent amendment. The Commission also laid stress upon the needs of the national treasury; larger revenues must be secured in order to satisfy the enormous fiscal demands resulting from the Franco-Prussian War. To meet this situation, the Commission had formulated a double tariff, the operation of which they proceeded to explain. I quote the following paragraphs from the report:

"It remains for us to explain the resolutions of your Commission as regards the application to foreign countries of our minimum tariff. We thus come to the question of the operation of our new minimum régime.

"The Government has proposed to us to settle it by the adoption of a double tariff, the minimum tariff and a higher general tariff to be based on the variable increase of the rates of the minimum tariff. The general tariff would be our tariff of common right, applicable in principle to the whole world. As for the minimum tariff, it would constitute the tariff of favor which would be conceded to the countries which should accord to us corresponding advantages, and especially to those which should grant us in their markets the same advantages as our foreign competitors, that is to say, should treat us upon the footing of the most-favored nation.

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"A very important question was to determine in what form, for what duration, and under what conditions the minimum tariff should be conceded to any country. Should it be by means of veritable treaties, that is, reciprocal contracts binding the two parties and fixing the rates of this tariff in irrevocable manner for their entire term? Should it, on the other hand, be given only as a simple reduction of the general tariff, which we might modify at will, in case necessity should so require?

"Upon this vital point the Government has demanded of us to reserve its liberty of action and its decision. It has declared to us that the moment does not seem to it to have arrived to declare that it would renounce absolutely all treaties in principle. It has only pronounced itself formally upon one point, that is, if treaties shall continue to be made, they must not go below the rates of the minimum tariff in concessions made to foreign countries. It is conceded, furthermore, that we ought to put the tariff on cereals and cattle outside the operation of these treaties.

"As respects the form, there are only two methods of making concessions, either by a law which binds us alone, or by a convention which binds those equally with whom we make it. We have already practised both systems; it was by a simple law that we granted to England, and quite recently to Greece, the benefit of our conventional tariff. It was by special conventions that we gave the treatment of the most-favored nation to other countries, as, for instance, Austria-Hungary, Russia, Turkey and Mexico.

"There are also two possible methods of conceding the minimum tariff in the form of a convention. It can be conceded as a simple treatment of favor on the general tariff, but without making any guaranty to maintain the rates indefinitely. On this hypothesis the result of the convention does not differ materially from the law. To grant our minimum tariff by a convention of this sort, is merely to bind ourselves to apply to the nation to which we make the concession our lowest tariff; but this is the extent of our obligation, and we remain masters of revising and raising the rates themselves of this tariff if the necessity for it should be shown us. In a word, we promise only one thing, that is never to apply our general tariff during the term of the convention to the nation with which we have made this arrangement.

"There would be a second method of according our minimum tariff, which would be to incorporate it in a regular treaty and thus to consolidate with it the rates during the entire duration of the treaty. Under this system, the minimum tariff would take the place of our existing conventional tariffs, with this single difference that it would be granted *en bloc*, whereas our conventional tariffs have been built up by bits and in successive layers.

"Confronted by these two systems, your Commission has decided, by a very great majority, that, if the first were acceptable, the second would hereafter have to be abandoned. They have believed that the interests of our country commanded it to make no more treaties and to remain master of its tariffs."

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These arguments of the Tariff Commission prevailed with the Chambers, and their Bill was passed and became a law January 11, 1892, going into effect on February 1st of the same year, all the tariff treaties of France with foreign countries inconsistent therewith having previously been denounced and terminated by the last-named date.

The Double Tariff Act of 1892 has undergone remarkably few changes in the past thirteen years, notwithstanding that it has been the object of much unfavorable criticism at the hands of able French economists like Prof. Paul Leroy-Beaulieu. This fact would seem to indicate that France has been well satisfied with her experiment and has no intention of abandoning the system. The law itself consists of nineteen articles, to which are annexed the schedules of duties, A, B, C, D and E. Schedule A enumerates the import duties, arranged in two columns—the general tariff and the minimum tariff—and covering 654 classes of articles. In a few cases, for special reasons, the duties of the two tariffs have been made the same; but there is, as a rule, a marked disparity between the rates. Being specific duties, it is difficult to generalize upon this point. Our Department of Commerce and Labor states, in a recent publication, that the maximum rates average 75 per cent. higher than those of the minimum tariff; if, however, we limit consideration to American exports to France, the average difference is about 50 per cent.

The conditions and methods of applying the minimum tariff are an important feature of the system. The only provision of the Law of January 11th, 1892, upon this point is as follows:

> "The minimum tariff may be applied to goods the produce of countries where French goods enjoy corresponding privileges and to which the lowest tariff is applied."

A few days before the passage of the tariff act, an important law, that of the 29th December, 1891, was enacted, authorizing the prorogation of certain clauses of the treaties or conventions between France and Belgium, Spain, Netherlands, Portugal, Sweden and Norway, and Switzerland, and fixing the customs régime which might be applied on the 1st of February, 1892, upon entry into France, to products of the countries which were in actual enjoyment of the conventional tariff. The language of this law was as follows:

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"The Government is authorized to apply, in whole or in part, the minimum tariff to products or merchandise imported from countries which actually enjoy the conventional tariff, and which will agree on their part to apply to French merchandise the treatment of the most-favored nation."

Not having enjoyed the old conventional tariff of France, and having no most-favored-nation treaty relations with her, the United States has continued to stand without the pale (excepting as respects the limited scope of the French Laws of January 27th and June 30th, 1893; Decrees of July 7th, 1893 and May 28th, 1898,—in relation to the Commercial Agreements of 1893 and 1898, respectively), American exports being subjected to the high rates of the maximum tariff, while like exports of all our great competitors enjoy in France the advantage of the minimum tariff, either by virtue of early treaties confirmed, since 1891, by French law or decree, or as the result of subsequent conventional arrangements. Had the Kasson treaty of July 24th, 1899, been ratified by both countries, the United States would now receive the benefit of the French minimum tariff on all its exports excepting nineteen articles. Some American Senators, however, hold that in this treaty we sought to purchase what we are of right entitled to; that, in view of the fact that we practise no discrimination in tariff matters against French products, but accord to them our lowest rates, we should receive like favorable treatment for our exports to that country. The Cuban Treaty of December 11th, 1902, was not in existence when the French Treaty was under discussion, but even this convention does not constitute a real discrimination, in view of the peculiar considerations of close neighborhood and the international obligations that dictated its negotiation by the United States.

A very important advantage claimed for the double-tariff system by its advocates is that under it complete liberty of action on the part of the legislature is reserved, whereas the conventional system, by binding existing rates or fixing new rates of duty for the treaty term, imposes a check upon legislative control. In France the maximum of to-day may become the minimum of to-morrow, while the former maximum may be doubled or trebled, and still no treaty stipulations be violated, as the most-favored-nation clause only enjoins that the contracting parties shall grant each other their respective lowest rates.

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Strange to say, only three other countries of Europe have imitated Spain and France in adopting a double-tariff system; these are Russia, Greece, and Norway. But the Russian system has conventional features, and the Norwegian maximum tariff is merely a retaliatory measure for use only in case of discrimination. Perhaps the form of the latter might appeal to our statesmen. The Tariff Act of 1897 says:

"Should a foreign country collect on goods proceeding from Norway or on Norwegian vessels higher duties than those applied to other countries, the King may decide that goods imported from such countries shall be subjected to the maximum tariff."

The increasing favorable attention devoted in this country to the double-tariff system is significant of the trend of sentiment among our statesmen and economists. In a notable address delivered at Des Moines last May, the Hon. Leslie M. Shaw, Secretary of the Treasury, is reported by the press to have said:

"I have heard it intimated that an amendment to our present tariff laws is likely to be proposed at the next session (but with what prospect of passage I cannot say), substantially as follows:

"'Be it enacted, that whenever any country grants to the people of any other country privileges within its markets which are withholden from the people of the United States, then and in all such instances the tariff duties on all merchandise coming from those countries showing such preferences shall be —— per cent. higher than provided in the schedules of existing tariff laws.'

"This would constitute a maximum and minimum tariff, the maximum to be enforced only against such countries as exact a maximum rate against us."

III. *Possible Combination of Double Tariff and Reciprocity.*— Having outlined above the salient features of the two great tariff systems which divide into two economic camps, with more or less distinctness, all the countries of Europe outside the strictly single-tariff powers such as the United Kingdom and the Netherlands, it remains to consider whether the United States, in the event of a change of policy, might not advantageously adopt a combination of the two systems. If Congress were to establish a scale of maximum duties by a horizontal increase of the present rates to the extent of, say, twenty per cent., such maximum tariff could be applied to those countries which wilfully discriminate against the United States, while the regular tariff could be ap-

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plied to all other countries, and, at the same time, be used, as occasion should arise, as the basis of special reductions of duty through the medium of reciprocity. The maximum duties thus created would constitute a penal tariff for use by the Executive in retaliation for prohibitory, discriminatory, or reciprocally unreasonable tariff treatment of American products. It is difficult to suggest a case of discrimination, no matter how flagrant, which could not be satisfactorily met and corrected by a system thus devised.

All tariff wars are commercial calamities, and popular sentiment is opposed to the adoption of any new system which would be likely to imperil the existing prosperity of the American export trade. It is not likely, however, that a combined system of reciprocity and penal tariff such as I have described would seriously disturb our friendly commercial relations with the world. In the first place, its very adoption would exercise a salutary influence in deterring foreign Powers from imposing discriminatory duties upon American products. At any rate, if a change of policy must come, the present is an auspicious time, in view of the fact that there are so few countries which actually discriminate against American trade; for the less discrimination the less disturbance to trade following the application of a penal tariff.

The actual situation as respects tariff treatment of American products in Europe is much more favorable than most persons suppose. There are only three countries which discriminate against imports from the United States by subjecting them to higher tariff rates than are applied to like imports from competing countries. These are France, Spain and Switzerland. It is high testimony to the skill and effectiveness of the diplomacy of the present Administration that not only has the list of discriminating countries not been enlarged by a single accession since President Roosevelt came into office in 1901, but it has recently been reduced by the withdrawal of Russia. Immediately following the happy termination of the peace negotiations an imperial ukase was issued, abolishing all the discriminatory duties that had been imposed, in the spring of 1901, as a retaliatory measure, upon important classes of American exports to Russia. Moreover, the outlook is promising that before long the same well-directed diplomacy will succeed in regaining for our export interests the

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Table Showing Tariff Concessions Offered by Section 3, Tariff of 1897.

Enumerated Articles.	General Rate.	Concessional Rate.	Percentage of Reduction.
Argols, or crude tartar or wine lees, crude...	1 to 1½ cent per pound	5 per cent. ad valorem	Average 70
Brandies, or other spirits manufactured or distilled from grain or other materials	$2.25 per proof gallon	$1.75 per proof gallon	22 2-10
Champagne and all other sparkling wines, in bottles, containing each not more than 1 quart and more than 1 pint.	$8 per dozen....	$6 per dozen....	25
Each not more than 1 pint and more than ½ pint.....	$4 per dozen....	$3 per dozen....	25
Each ½ pint or less.	$2 per dozen....	$1.50 per dozen.	25
In bottles or other vessels containing more than 1 quart each	$8 per dozen, plus $2.50 per gallon on quantities in excess of 1 quart....	$6 per dozen.... plus $1.90 per gallon on quantities in excess of 1 quart ...	25 24
Still Wines, and Vermuth:			
In casks	40 and 50 cents per gallon ...	35 cents per gallon	12½ 30
In bottles or jugs, case of 1 dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint	$1.60 per case..	$1.25 per case..	21⅞
Any excess beyond these quantities found in such bottles or jugs	5 cents per pint or fractional part thereof..	4 cents per pint or fractional part thereof..	20
Paintings in oil or water colors, pastels, pen-and-ink drawings, and statuary	20 per cent. ad valorem	15 per cent. ad valorem	25

complete most-favored-nation treatment in Switzerland uniformly enjoyed prior to 1900. According to reliable European press statements of recent date, the Government of that country has decided to apply the conventional rates to imports from the

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United States on and after January 1st next, which would, indeed, be a graceful act of international comity, as well as the wisest commercial policy. This would reduce the number of discriminating countries to two, disregarding those British colonies —the Dominion of Canada, New Zealand, and the South-African Customs Union—which grant preferential tariff treatment to imports from the Mother Country.

In the light of the ease with which our existing Commercial Agreements with France, Germany, Italy and Portugal were negotiated and put into operation, and their subsequent immunity from criticism by the domestic interests supposed to be affected, it might be found expedient to give preference to reciprocity by agreements based upon legislative authorization similar to that contained in Section 3 of the Tariff Act of 1897, with a greatly extended list of concessional articles selected by Congress to meet the conditions of trade with the several leading countries of the world. The reductions of duty provided by Section 3 appealed mainly to France, and in less degree to Germany, Italy and Portugal. The scope of that section is shown in the table printed on the preceding page.

In order to give wide application to the reciprocity principle, Congress would only have to extend the present short list of argols, wines, spirits, paintings and statuary, into a list applicable to all the countries with which the United States might advantageously enter into closer commercial relations. Reciprocity agreements made in accordance with this plan would be put into effect by proclamation of the President, without submission to the Senate or subsequent approval by Congress. The Supreme Court of the United States has decided that statutory reciprocity of this kind does not involve a delegation by Congress of its legislative power, but that the procedure is in entire conformity with the Constitution. Our recent experience with it has been satisfactory and the plan commends itself to the favorable consideration of American statesmen.

JOHN BALL OSBORNE.

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THE GENERAL SITUATION IN MOROCCO.

BY ION PERDICARIS.

WHEN the representative of France went up to Fez last winter, where he still remains with but faint hope of establishing the exclusive control which was the object of the Mission, the Moorish Government was exposed to other and even more immediate perils than the loss of the independence which it has maintained inviolate for so many centuries.

The Sultan was then about twenty-six years old and, though inexperienced, was well disposed; he was, indeed, too humane to inspire terror among the turbulent populations over whom his father had ruled, men who only respect those whom they fear. The favor shown by him to Europeans, his love of pleasure and of foreign customs, and, more especially, his indifference to native opinion, had awakened general distrust throughout the Sultanate, and, worst of all, his subjects doubted his devotion to the faith of Islam.

Moulai Abd-el-Aziz had nominally acceded to the throne on the death of his father in 1894; but, in reality, he assumed the reins of power only when the Grand Vizier Ahmed Ben Mousa died in 1900. The young Sultan was outspoken and overconfident. To add to his difficulties, he was a younger son by a Circassian mother; while an elder brother, Moulai Mohammed (the son of a Moorish woman, a Shereefa of the powerful Rehamna Tribe), had been disqualified as his father's successor only because of his own turbulent disposition.

This brother was a virtual prisoner when Abd-el-Aziz was proclaimed Sultan at Rabat by the desire of the late able ruler, Moulai-el-Hassan, the father of these two princes.

Three years later, a serious insurrection broke out among the Berber mountaineers near the Algerian frontier. In 1902, the

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leader of this movement, a certain Gilali-el-Zarhouni, established himself at Taza. This adventurer appeared mounted upon a she ass and attended by twelve followers. Owing to this affected humility, he was generally called Bou Hamara or "He of the she ass." Though El-Zarhouni professed at first to prepare the way for a claimant of royal lineage, this adventurer ultimately asserted that he was himself the Sultan's elder brother Moulai Mohammed, the rightful heir to the throne.

At one moment, the considerable force which had flocked to his standard enabled the pretender to threaten Fez itself for several months, and though this disaster was averted, yet in a subsequent campaign Abd-el-Aziz, at the head of his army, was defeated and barely escaped capture.

For three years Bou Hamara, or the Rogui (as he is also sometimes called), has defied the utmost efforts of the Shereefian arms. The regular troops were ill affected toward the Sultan, while the temporary levies of Berber tribes, whom Abd-el-Aziz summoned to his assistance, often went over to the enemy. It is said that several batteries of field pieces were thus acquired by the rebels, while the latter are also believed to have secured no less than sixty thousand rifles.

The native administration, at the best, was singularly chaotic, the accounts especially being in terrible disorder.

The revenue in normal circumstances chiefly depended upon the process known as "squeezing." The district governors or kaids wrung tribute from the recalcitrant tribesmen by imprisonment. The confinement without maintenance, to which these victims of extortion were subjected upon various irrelevant charges, amounted to torture. When the governors themselves had become enriched, they, in their turn, were compelled to disgorge their ill-gotten gains for the benefit of the imperial treasury. Abd-el-Aziz, acting upon English advice, endeavored to remedy this state of affairs. Reforms were instituted. The governors were paid and the prisoners were fed. These measures, however, only added to the general relaxation of authority, and taxes could no longer be collected.

The Sultan's reckless personal extravagance, and especially the costly campaigns against the pretender, completed the financial embarrassment; hence the duties levied at the custom-houses now constituted almost the only revenue at the disposition of the

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Shereefian Government; and, of the amount collected at the ports, only a mere percentage reached the treasury, since a large proportion remained in the hands of the local functionaries.

It had long become evident that the Sultan would not be able to defend himself indefinitely without assistance, and the foreign Governments most directly interested in the maintenance of order in the Sultanate were forced to discuss measures that might meet the requirements of the perilous situation.

The contiguous frontier between Morocco and the French Algerian possessions justified the French Government in suggesting that, in return for certain concessions in Egypt and other quarters where English and French interests conflicted, England should accord a free hand to France in Morocco. A scheme was devised by the able Minister of Foreign Affairs at Paris, M. Delcassé; and, in order to disarm opposition both in France and abroad, the plan was described as one of "pacific penetration." Lord Lansdowne, on the part of the English Foreign Office, assented to the proposed arrangement, but there were other Powers possessing interests in Morocco. Spain and Italy required assurances as to the effect of these measures upon their own pretensions, but no attention was paid to the ominous silence of Germany, nor were the inhabitants of Morocco itself taken into account. It was thought it would be sufficient if the Sultan's assent could be secured; but, early in 1904, when the inhabitants in the neighborhood of Tangier began to realize the menace to Moorish independence implied in the public announcement that the Anglo-French negotiations had been concluded and that England had accorded the free hand which France desired in Morocco, the greatest bitterness and apprehension were manifested, especially when it was understood that the French offer of a loan of fifty million francs to the Shereefian Government was conditional upon the establishment of French inspectors at the various custom-houses of the Moorish ports.

The acceptance by the Sultan of this loan was the signal for disturbances. Among other incidents, foreign residents were attacked at their villa near Tangier, where the various legations are situated, and were carried off by night to the mountains, where they were held as hostages to extort ransom from the Sultan; and, later on, the road from Tangier to Fez became so insecure that the French special Mission to the capital was obliged

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to proceed by water to Larache, where the military escort which had been sent from Fez to accompany the Minister and his party had been constrained to await their presence, as the escort itself was afraid to venture nearer to Tangier.

On the arrival of M. Saint René Taillandier at Fez, negotiations were at first cordial enough. The Sultan acceded to the establishment of French inspectors at the custom-houses, and also authorized the appointment of a French officer to command the native military or police force at Tangier.

Further advances were soon required to enable the improvident Government at Fez to maintain its authority, but the Sultan reluctantly refused to sanction the conditional measures of administrative and military control to be exercised by French officials throughout the Sultanate, and with the best of reasons, since Abd-el-Aziz had been warned by the Ulema and other notables that, should he accede to any such arrangement as the French proposed, it would certainly cost him the throne and possibly his life.

Some display of force had now become essential to insure the success of the French scheme.

Unfortunately for M. Delcassé, the temper of the majority in the French Chamber of Deputies was strongly opposed to any outlay, or even to any manœuvre which might afford the armies or the navies of France an opportunity to win distinction. M. Jean Jaurès, the president of the Socialist group and the leader of the Chamber, declared that not a single franc nor a single soldier should be devoted to any military adventure in Morocco.

In consequence of this decision, the Mission at Fez found itself in a most embarrassing position and without any available means to overcome the Sultan's terrified refusal to advance further on the path along which he had been thus far successfully lured.

This was the state of affairs on the 29th of March, 1905, when the Kaiser visited Tangier.

The Emperor of Germany declared on landing that he did not recognize the right of any Power to exercise a predominant control in Morocco.

William II was accompanied by Count von Tattenbach, who had formerly represented the German Government at the Shereefian Court and who thoroughly understood both the men with whom he had to deal and the situation. This envoy was

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presently despatched to Fez in order to prevent the consummation of the French plans. The means at his disposition were also limited, but they were sufficient.

The German Minister informed the Sultan that the Emperor would hold the Moorish Government to existing agreements with Germany, agreements based partly upon the Madrid Convention of 1880, which assured to each of the ten signatory Powers the advantage of the most-favored-nation clause, and partly on a subsequent commercial treaty with Germany which had also been ratified.

This procedure on the part of such a power as Germany constituted an insuperable obstacle to the Sultan's adhesion to the French demands for an exclusive control, in return for the further financial assistance of which the Sultan still stood in such desperate need. It was evident that Abd-el-Aziz could not defy, alone and unaided, the power of Germany. Would the French lend him armed assistance? No? In that case, the Sultan could neither shirk nor disavow his treaty obligations to Germany. Count von Tattenbach consequently succeeded in holding up the French Mission at Fez; and, the appeal of M. Delcassé for support being again rejected by the Chamber of Deputies, no other course was left to the French Minister of Foreign Affairs but to resign. Thus not only was the doom of French pacific penetration in Morocco apparently disposed of, but the downfall of the most brilliant Minister of Foreign Affairs of the Third Republic was also assured.

The Sultan of Morocco breathed again, yet how was his urgent need for financial assistance to be met, since his only certain source of revenue, the receipts derived from the Moorish customs, had already been pledged to the French?

A firm of German financiers now opportunely offered a small loan to meet immediate necessities, the advance to be covered or guaranteed by the transfer of Government land in the neighborhood of Tangier and the other ports. This apparently unimportant transaction may ultimately prove extremely disadvantageous to English interests, since it might gravely imperil the security of Gibraltar should Tangier pass under the control of a possibly hostile Power. The British Foreign Office, indeed, had been repeatedly implored, both by English merchants and by military and naval experts, to include the neutralization of Tan-

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gier in the Anglo-French agreement while it was yet time; but so eager were the British authorities not to offend their French friends that this precaution had been neglected.

Another disturbing arrangement presently became known. Sir Arthur Nicolson, the former British Minister at Tangier, had induced the Sultan to entrust the erection of a new pier at that port to an English *concessionnaire*. The lately constructed pier now required repairs, and the concession for this work has been secured by Count von Tattenbach for a German firm. Nor was this all. Tangier had been chiefly dependent for its communications with Gibraltar upon two small cattle-transports belonging to a local firm. The service was irregular, and there was only a steamer every other day. We now learn that one of the great German companies is to put on a daily winter service of large passenger-vessels, and thus, imperceptibly, the predominant influence at the gate city of Morocco is passing into German hands, chiefly owing to British indifference and inertia.

Singularly enough, the immediate effect of this German intervention upon native opinion throughout the Sultanate itself seems to have been to tranquilize, in some measure, the hitherto rapidly increasing dislike to foreigners, and to modify the widespread disaffection of the subjects of the Sultan. The danger of being deprived of their independence by the French appears also to have rendered the population more disposed to stand by their own ruler; while the latter, on his part, now realizes the necessity of deferring to native opinion where measures of importance are concerned.

Let us now consider the probable result to foreign interests generally of this failure of the French to assume control in Morocco. Had M. Delcassé been as effectually supported in the French Parliament as he was by Great Britain and Spain, Morocco might have become a second French possession like Madagascar, or another protectorate according to the Tunisian pattern.

Life and property might have been eventually rendered secure, but only, as in these above-mentioned cases, by the employment of a considerable armed force. All commercial advantages, however, would have been ultimately reserved for French firms and colonists. It is true that the Anglo-Hispano-French agreement stipulated that no tariff should be imposed, invidiously affecting

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subjects of other nationalities, during a period of thirty years, a term equivalent merely to an instant in the life of a community, a limitation that would not protect the interests even of a single generation.

The chief advantage to be secured in Morocco, to wit, Government concessions for building roads, for improving the ports and for other public works, these, even from the very outset, would have been assigned only to French Syndicates.

In the mean time, the protection to life and property, where subjects of other nations were concerned, might have proved problematic, especially in view of the unwillingness of the French to incur expense or to employ either their army or their navy in Morocco except under the most extreme pressure. The French were, indeed, prepared to accept any advantage which the clever scheme of M. Delcassé might secure, but they did not propose to assume any of the responsibilities which the plan might entail. It was "take all and give nothing." Even the fifty million francs loaned to the Sultan were not provided, nor even guaranteed, by the French Government. The loan was merely floated at the risk of private subscribers by *La Banque de Paris et des Pays bas.*

Now, however, since the German intervention, the mood in France may possibly change, and the Kaiser's insistence may yet arouse the sentiment of patriotic determination which was not indeed strong enough to make his countrymen support the French Foreign Minister, who had contributed so largely to the prestige and respect which France everywhere enjoyed, but may awaken a sentiment which may now lead the country to commit itself to that very policy of military adventure which the French declined to undertake when only Moorish opposition was to be feared. Even should the Republic finally succeed in establishing the exclusive control over Morocco to which the French colonial party still aspires, her statesmen may do well to remember that, should France ever become entangled in any dangerous struggle, either at home or abroad, this policy may provoke, at some such inopportune moment, a general Moslem upheaval, not only throughout Algeria and Tunis, but even in far-off Timbuctoo, as well as in Morocco. In this case, the latter territory might yet become for France a veritable African Manchuria.

Against such dismal possibilities, France, it is true, is forti-

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fied by alliances and understandings; but who shall assert that either England or Spain will actually draw the sword on behalf of their recent friend, although there are writers who suggest, even now, that the United States might do well to join this possible coalition against the alleged aggressions of the German Emperor.

Let us hope, however, that no such warlike previsions may be realized. The tide of opinion throughout the world has set strongly in favor of peace and good will among the nations.

To return to Morocco, the best means of securing some modicum of law and order in that unfortunate country may be for the Powers who adhered to the Madrid Convention to appoint delegates or advisers to assist the Sultan in his attempts to wisely administer his Sultanate, since, fortunately, Abd-el-Aziz, unlike the Sultan of Turkey, really desires reform. He must, however, first be rendered secure upon his throne, and ultimately be so guided that his efforts may yield some practical result beyond merely filling the pockets of the syndicates of any one single Power.

It must, however, be admitted that, when we consider the Morocco problem either from a French or from an English point of view, the outlook seems sufficiently discouraging. France was divided in her councils from the first, while England has played the curious rôle of a backer at all costs of French policy. The strangeness of this very exaggerated disinterestedness has attracted the attention of Germany, since the slight consideration secured by Great Britain in Egypt or at other points of Anglo-French contact seemed but trifling compensations for the abandonment of the dominant influence which England had hitherto exercised in Morocco, thanks to a long succession of able and popular representatives. The Emperor William has not hesitated, therefore, to profit by the French uncertainties, as well as by the English abandonment of the young Sultan, not a little of whose trouble was due to having followed the advice of that Power.

England and France, on joining hands with all the ardor rather of long-parted friends than of former rivals, had moreover indulged in somewhat premature rejoicing elicited by the defeat which it was alleged M. Delcassé had inflicted upon German diplomacy. Had not this gifted minister strengthened the

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alliance of France with Russia, and had not this alliance been supplemented by friendly agreements with England, with Spain and with Italy? True; but one decided leader who knows his own mind and can dispose of such resources as the German Empire commands may prove to be a host who must still be taken into account.

It is yet too early to judge how Morocco herself may ultimately be affected by German policy. The local interests at stake are, however, scarcely sufficiently important to Germany for that Power to risk a war.

Probably the Emperor may content himself with drawing the Morocco herring across the trail of these Franco-English and Franco-European agreements. Should they go to pieces under the strain to which he thus subjects them by his Morocco play, it is possible that he may then frankly extend that redoubtable "mailed fist" and once more exclaim: "Why not let us all be friends!"

If this opportunity should be offered, perhaps "the other boys" had best come in as gracefully as may be, since bankrupt Morocco can scarcely be considered worth a European conflagration.

ION PERDICARIS.

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A BRIEF REVIEW OF THE SUBJECT OF FEDERAL RAILROAD REGULATION.

BY J. WALTER LORD.

WITH the next session of Congress close at hand, the question suggests itself whether that body will agree upon some form of legislation designed to correct the alleged abuses in railroad operations. During the agitation last winter, the Senate and the House held opposite and extreme views upon the subject; and the former, so frequently referred to by not very complimentary epithets, such as "distinguished railway attorneys" and the like, blocked the passage of legislation of a most radical character—the Esch-Townsend Bill—which had been passed by the House. Subsequently, it has developed in the hearings before the Senate Committee that the problem, besides being one of vital importance, because of the far-reaching effect which any legislation affecting railroad operations would have upon the interests of the country, is fraught with difficulties of both an economic and a legal nature. The complexities of railroad operations peculiar to the business itself give rise to difficulties of the former class; while the constitutional limitations upon the respective powers of the coordinate branches of the Federal Government present difficulties of the latter.

Broadly speaking, the evils alleged by the shipping public to be prevalent, and which call for correction, are three in number: extortionate rates, discrimination and the private-car abuse. That the existing Federal legislation is powerless to prevent the abuse last mentioned must be conceded, for private car line companies are not by its terms brought within its scope. That it has to a great extent prevented the other two abuses is attested by the marked decrease in their prevalence; but that it is powerless to eradicate them is evident from an analysis of the legislation itself.

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The Interstate Commerce Act, passed by Congress in 1887, was designed to prevent extortionate rates and prejudicial discrimination, the latter in its various forms, owing probably to absence of legislative restraint, having become a not uncommon practice. Both extortionate rates and prejudicial discrimination had for a long time been recognized as unlawful under the common law, it being a fundamental principle of the law of common carriers that the shipper has a right to have his goods carried at a reasonable rate and at the same rate as those similarly circumstanced to him. But to enforce these rights he was obliged to bring an action in the courts for the recovery of the extortionate excess or for injunctive relief. This was a slow process, and the shipper was at great disadvantage in obtaining the requisite evidence to support his claim. Furthermore, the decision of the court extended only to the case of the individual who had brought suit. To expedite redress and to effectually police railroad traffic, some legislative action became imperative, and the Interstate Commerce Act was passed. Prior to this act, laws of a similar nature had been enacted by several States, but these could not reach interstate shipments, which constitute seventy-five per cent. of the railroad business of the country.

The Interstate Commerce Act was in the main merely declaratory of the common law. It declared unreasonable rates and unjust discrimination amongst particular shippers to be unlawful, defining the latter and specifying its various forms in such a manner as to leave no loophole for evasion. Subject to these two prohibitions and to the further prohibition against undue preferences to localities and traffic, it left the carriers free to make their own rates and regulate their own relations with various shippers. It was "rate-making" legislation only in a very narrow sense. It established legal rates by requiring the carrier to publish its schedule and to adhere to the rates so published, charging neither a greater nor less compensation in any case. It, however, left the carrier at liberty to advance or reduce its rates by giving notice of its intention to do so—ten days in the case of advance, three in the case of reduction. An administrative body, the Interstate Commerce Commission, was created for the purpose of supervising the operations of interstate carriers, and was charged with the duty of enforcing the provisions

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of the Act. To do so effectually the Commission was empowered, in case it found a carrier violating the law, to serve an order upon the offending carrier to desist from this violation; and, in case the carrier disobeyed, to apply to the Federal Courts for an injunction. Criminal penalties were also prescribed by the Act.

The practical operation of the Interstate Commerce Act was of decided benefit to the public. Combining, as it did, in one bureau both supervising and prosecuting machinery, it still recognized the right of the carriers to manage their own business, and the result, while not Utopian, gave general satisfaction for a considerable period. It was supplemented in 1903 by the Elkins Act, designed more effectually to prevent rebates by bringing within the purview of the statute all parties concerned in such a violation, and designed further to secure speedy redress in case of any violation of the law by providing for the summary issuance of the writ of injunction by the courts. It is now claimed that the existing legislation does not afford sufficient protection to the shipping public against extortionate rates, prejudicial discrimination and the private-car abuse.

Extortionate Rates.—Under the existing legislation the power of the Commission is limited to a declaration that a rate charged is unreasonably high, and therefore in violation of the Act. It has no power to order what rate shall obtain in the future, or to decree what rate is a reasonable maximum. Consequently, in case a carrier's rate is declared to be unreasonable, it has only to alter it a fraction lower. This in turn, if still unreasonable, must be declared invalid; and so on, until the rate is reduced to a reasonable maximum. Thus, in theory there is a repetition of labor which renders futile the work of the Commission. A short-cut method is suggested, under which the Commission shall be empowered to substitute a rate for that found to be unreasonable. This substituted rate may be one of two kinds—an absolute rate or a maximum rate. An absolute rate is a fixed and inflexible rate, from which the carrier cannot deviate. The published rate of the carrier under the present Interstate Commerce Act is such a one. A maximum rate represents the maximum limit of reasonableness, and admits of rate-flexibility in that the carrier, though restrained from charging a higher rate, may nevertheless charge a lower one, if this is made necessary by considerations of business policy. The Esch-Townsend Bill gives the Com-

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mission power to substitute an absolute rate, in that by its terms such substituted rate becomes the published rate of the carrier. The desirability of investing the Commission with power to fix a maximum rate has been suggested, but no bill has been submitted which would accomplish this purpose.

In both their legal and economic aspects there is a wide difference between these two rates. To give the Commission right to substitute an absolute rate would practically take out of the hands of the carrier the rate-making power. To give the Commission right to name a maximum rate would simply impose legal limits on the carrier's exercise of the rate-making power. An absolute rate is founded upon considerations of desirability—a business standard; a maximum rate upon considerations of reasonableness—a legal standard. A reasonable rate is one neither so high that it is extortionate against the shipper, nor so low that it is confiscatory against the carrier. A desirable rate is the one lying between these two extremes which is best adapted to business exigencies. Consequently, a rate may be reasonable, and yet unwise; neither extortionate nor confiscatory, but yet impracticable. Conditions of a relatively permanent nature, such as cost of construction, cost of operation and average volume of business, might serve as a guide for marking the limits of reasonableness; but the varying and diverse conditions attaching to railway operations, such as density of traffic, return loads, competition and many others, determine the absolute rate. Hence, railway rates are naturally elastic, and their elasticity enlarges the scope of their reasonableness.

The objections urged against investing the Commission with power to substitute an absolute rate are both practical and legal. Rate-making, while not an exact science, is one requiring special skill and training, but, most of all, a thorough knowledge and close observation of the varying conditions to which rates are adapted. On the railroads of the country, several hundred experts, each with a large staff of assistants, are exclusively engaged upon the business of making and adjusting rates. These rates have to be changed from time to time, and not infrequently upon very short notice. Would it, therefore, be wise to commit this power to a small body of untrained men, who would not have the opportunity to keep themselves accurately informed as to the diverse conditions attending railroad operations? Of course, the

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magnitude of the task would forbid the Commission setting about to revise all the railroad rates throughout the country, nor would there probably be any attempt on its part to do so. But railway rates are so interdependent that the naming of one unwise rate would unsettle many others, and rate demoralization would ensue.

It is also objected, on legal grounds, that Congress could not constitutionally invest the Commission with this power. The Supreme Court has said that "the power to prescribe a tariff of rates for carriage by a common carrier is a *legislative,* and not an administrative or judicial, function," and has indicated the unwisdom of delegating this power to an inferior tribunal, if *it is to be taken out of the hands of the carrier,* by referring to it as "a power of supreme delicacy and importance." If the power to fix an absolute rate, which certainly involves the power to prescribe a tariff of rates, is a legislative function, then it can be exercised only by Congress; for no principle of constitutional law is better settled than that Congress cannot delegate to any other tribunal the exercise of legislative powers. While Congress can leave to the administrative part of the governmental machinery, or to any other agency which it appoints for carrying out the laws passed by it, the exercise of a certain amount of judgment or discretion, this can only be essentially an executive discretion, which excludes considerations of wisdom or expediency. To ascertain the existence of a state of facts upon which the law is to become effective, and to express in terms a certain standard embodied in the statute, are instances of the exercise of such a discretion. If, however, Congress embodies in the statute no more precise standard for the guidance of the administrative agency than the standard of reasonableness (*e. g.,* that all rates shall be reasonable), and leaves to this agency the power to prescribe an absolute rate, it thereby invests it with a discretion involving considerations of wisdom and expediency, for an absolute rate is based solely upon these considerations.

A maximum rate, however, is not, as we have seen, based upon these considerations, because it leaves the carrier free to adapt its rates to business exigencies, thus preserving the normal elasticity of rates within the domain of reasonableness. It merely defines the limit which the carrier cannot, and at common law

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ought not to, transgress, viz.: the line where extortion and oppression begin. If Congress, in respect to rates, legislates no further than it does at present—that is, lays down the rule that rates shall be reasonable (and this is apparently the point where the nature of the subject-matter imposes practical limitations upon the action of Congress)—there would seem to be no objection, on constitutional grounds at least, to investing the Interstate Commerce Commission with power, in executing the law, to apply the standard embodied in the statute, even to the extent of expressing that standard in terms applicable to the particular case. It would be empowering the Commission to go one step further in its control of rates than it now does; and, though different in form, it is the same in substance. To declare a rate to be unlawful because it is unreasonable is but to say that it exceeds a maximum reasonable rate. To fix a maximum rate, in conformity to the standard of reasonableness laid down in the law, involves no different mental operation from that required in declaring a rate to be unreasonable; involves no considerations of wisdom or expediency; and would therefore seem to be an exercise of a judgment or discretion appropriate to the administrative branch of government.

Legislation of this form would remedy the defects existing in the present laws in so far as the latter are alleged to be inadequate to effectually protect the shipper against extortionate charges. Of course, the order of the Commission would have to be subject to review by the courts, and the latter empowered to vacate the same if the maximum prescribed be not the true maximum reasonable rate. Whether the court could be constitutionally empowered, in cases where it disaffirms the finding of the Commission, to substitute a maximum rate for that disaffirmed, and thus prevent the work of the Commission from being entirely nugatory, is a point upon which there seems to be some doubt. It has been argued that this would be conferring rate-making power upon the court. Fixing a maximum reasonable rate, however, is not rate-making in a legal sense; it is rather the expression of a legal standard in its application to a particular set of circumstances. It has also been argued that the Interstate Commerce Commission, in its excessive zeal to conserve the interests of the shipper, would invariably err in fixing a maximum rate so greatly below a reasonable maximum, as to work a

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stricture on railroad operations pending a rescission by the court. And the fact that the findings of the Commission in the past have, in the great majority of cases, been reversed by the courts is alluded to as a strong indication of this probability. It seems that this argument has not been satisfactorily met. And the question, therefore, resolves itself into the issue, whether extortion is so prevalent as to demand legislation along these lines.

The testimony before the Senate Committee tends strongly to sustain the belief that extortion is merely an ancillary ground of complaint; that railroad rates in general have decreased during the past ten years, notwithstanding an increase in the cost of labor and materials; that carriers, as a rule, have accepted the suggestions of the Interstate Commerce Commission as regards reduction of rates, although these suggestions have had no legal force; and that, while there may be occasional instances of extortion, these are of rare occurrence, and as an evil, formerly prevalent, it has now virtually ceased to exist.

Discrimination.—Indeed, the gravamen of complaint is discrimination. Discrimination in railway rates falls under two general heads: secret discrimination and open discrimination. The former, affecting the shipper as an individual, is practised through rebates and departures from the published tariff; the latter, affecting the shipper as a class, through preferential rates to localities and unfair classification of commodities. Treating these two general forms of discrimination separately, it is to be first observed that legislation investing the Commission with power either to prescribe absolute rates or to designate maximum rates would not serve to prevent, any more effectively than does the existing legislation, discriminations of the first class. Carriers could and would, if they desired or found it expedient to do so, depart from the legal rate fixed by the Commission, as freely as they now depart from the legal rate fixed by themselves. No new form of legislation which meets all well-founded objections seems yet to have been devised. The most effective plan is that suggested by The New York Board of Trade and Transportation. This measure, which embodies views similar to those advanced by the Interstate Commerce Commission in 1890, contemplates the prevention of the evil by the action of the offending carrier itself. It thus eliminates the question of the right of Congress to delegate to the Commission the power to prescribe a rate or regulation

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to govern in the future, and also meets the practical objection that this power should reside in the carrier.

The scheme of this measure is that, when a carrier practises discrimination, either by granting a rebate or by charging a rate lower than the published tariff, the net rate so produced becomes thereupon the legal rate. Thus, if the carrier's published rate is fifty cents, and, by rebate or otherwise, he in effect charges a shipper forty-five cents, the latter becomes the legal rate; and, if he thereafter charges a shipper forty cents, this in turn becomes the legal rate. This method would, in all probability, more effectively act as a deterrent to discrimination than the imposition of fines, the penalty under the Elkins Act. But, while in this respect it might be highly beneficial to the shipping public, it involves the possibility of injury to innocent parties. If the officers of a railroad, either in their excessive zeal to increase its business, or from improper motives, practise discrimination to the point of reducing the rates below the line of confiscation, the innocent stockholders must suffer. To this it is answered that, fundamentally, the stockholders are responsible for the acts of the officers they elect. But, while that may be legally true, the injustice of this principle in its application to such a state of facts is quite manifest. A weightier objection, however, is that the action of the offending railroad would affect innocent competitive carriers. These latter, in order to retain their business, would have to meet the rates established by the first railroad; and, consequently, the plan suggested would place it in the power of one offending railroad to demoralize the business of others. The period of railroad bankruptcy, due to disastrous competition and rate-cutting, is still fresh in mind. And the wisdom of enacting legislation calculated to cause penalties imposed upon a guilty railroad to react on the innocent, and in so doing to bring about a repetition of these conditions, is certainly questionable.

It is exceedingly doubtful whether the occasion demands any radical change in existing legislation, in so far as discrimination of the first class is concerned. The testimony before the Senate Committee tends to show that, since the passage of the Elkins Act, the granting of rebates and departures from the published tariffs have almost wholly ceased, the summary legal process provided by that Act having been largely instrumental in bringing about

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this result. Practices which in effect amount to discrimination against individuals, such as underweight billing and allowance of false claims for damages to shipments, and similar devices, are not uncommon. It is claimed by the railroads that the broad language of the Elkins Act covers these minor cases of discrimination. But, if it does not, there is no practical or legal objection, as we understand it, to amending the terms of the Act so that they shall be brought within its scope, so long as the policy of the Act remains unchanged.

Regarding discrimination of the second class (that in which the carrier gives to one locality a commercial advantage over others, by its relative adjustment of rates, or where it so classifies commodities as to work a disadvantage to shippers of a particular description of traffic), there are many cases which lay a strong foundation for complaint. Of these, however, the vast majority are cases of local discrimination, there being comparatively few of traffic discrimination. It was the policy of the original Commerce Act to prevent discriminations of this nature, as well as individual discrimination; and, by Section 3, it was made unlawful for a carrier to "give any undue or unreasonable preference or advantage to any . . . . locality, or any particular description of traffic, *in any respect whatsoever*." The summary procedure under the Elkins Act extends to "any discriminations forbidden by law." This phrase, however, has never been regarded as embracing local and traffic discrimination, and it is exceedingly doubtful whether it does, because the Interstate Commerce Act, in defining discrimination, specifies only cases of individual discrimination and refers to these other forms as "undue preferences."

The question at once suggests itself, whether the most sensible remedy for these evils would not be to bring them within the scope of the Elkins Act by appropriate amendment. Local discrimination being by far the preponderating evil, what is principally desired is the breaking up of the so-called "conspiracy among railroads against particular communities." What was principally desired to be accomplished by the Elkins Act was to minimize the practice of individual discrimination, and the summary procedure which it provides has done so. On the question of local discrimination there seems to have been suggested no middle course between the form of remedy embodied in the

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Elkins Act, and measures which in effect would invest the Commission with power to fix absolute rates. As to the latter, we again encounter the practical and legal objections which prevail against taking the rate-making power out of the hands of the carriers and giving it to the Commission. And, moreover, we are also getting into dangerous proximity to the constitutional restriction on the power of Congress, that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." The exercise by the Commission of the power to adjust relative rates might in many cases work such a preference. Indeed, the charge of conspiracy among the railroads rests in a large measure upon the existence of such preferences. Whether there exists such a conspiracy seems to be more a matter of assumption than of sound inference. The relative adjustment of rates amongst the various competitive ports and sections of the country is a task of a very complex nature, and it is not always fair to ascribe local discrimination to improper motives; especially when this practice had its origin in what has proved to be an important factor in the development of the country—the encouragement of industries along the line of the railroad. Assuming the right of Congress to invest the Commission with such power, could that body satisfactorily adjust rates without disturbing railroad equilibrium, and without working a preference to some ports? And is a measure of doubtful constitutionality, involving a radical departure from our previous governmental policy, to be preferred to an existing form of legislation which has done useful service in minimizing an evil similar to the ones now desired to be corrected?

The Private-Car System.—The private-car evil, it is alleged, involves both extortion and discrimination, practised, not directly by the railroads, but by the private parties operating refrigerator-cars under a lease to the railroads, and by corporations, similarly operating such cars, which are closely identified with railroad interests. The number of refrigerator-cars in use to-day amounts to 50,000, of which 35,000 are owned by strictly private parties. Armour, a private operator, and at present the owner of about 15,000 cars (operated by the Armour Car Lines Co., a distinct corporation from Armour & Co.), was the pioneer in the development of this enterprise. To meet the periodic demands for the transportation of perishable crops from the various sec-

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tions of the country, it was not practicable for the railroad companies to furnish suitable cars in sufficient numbers. Perishable goods being shipped from a particular section only for a brief period during the year, the equipment of a railroad company adapted to these shipments would necessarily remain idle most of the time. The logical solution of this difficulty was the independent company to operate suitable refrigerator-cars, and by diverting them to the various sections of the country, as occasion demanded, to keep them continuously employed.

As an inducement to the undertaking of this enterprise, the railroad companies made exclusive contracts with these car companies. Under this form of contract, the railroad company pays the car company mileage (generally three-fourths of a cent per car per mile) for the use of cars, and agrees to use them exclusively on its road. The car company is also allowed an additional compensation for icing at point of shipment and for re-icing at various points *en route*, and for supervision in transit. This special charge, which is collected from the shipper in addition to the regular published tariff rate, either by the car company directly or by the railroad company on its behalf, opens the way for extortion and discrimination.

Car companies not being within the purview of the Commerce Acts, there is no obligation upon them either to file or publish their tariff of refrigerating charges; and, the railroad company having, technically, no concern in this charge, there is no obligation upon it to see that this is done. Consequently, there is nothing to check extortion or discrimination in these charges but the conscience of the company. Many instances of each abuse have been charged in the controversy before the Senate Committee and are seemingly well substantiated. Indeed, extortion would appear to be a common practice. A conspicuous case is that of the Père Marquette contract, when the car-company refrigerating charges were increased 300 per cent. to 500 per cent. upon its obtaining an exclusive contract as to that road. Another alleged instance, which has a very ugly appearance, and which cannot but amount in effect to rank discrimination, is where the special charge from Gibson, Tennessee, to Chicago, 522 miles, is $73.92, whilst from Memphis to Chicago, 527 miles, it is only $15. One car company had an exclusive contract with the former road, but car-company competition prevailed on the latter.

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Other forms of abuse under the private-car line system take place when the car-company interests are also shippers of perishable produce, or when it is operated by railroad interests; in other words, where its integrity as an independent company is not preserved. The exclusive contracts usually permit the car companies to obtain from the railroads any information they desire respecting shipments; and, consequently, where the car-line interests are substantially identical with shipping interests, the acquisition of this information admits of an unfair commercial advantage to be taken over competitors. Again, it is not uncommon now for a railroad to be in the car-line business, usually through a subsidiary corporation, thus placing itself, as to the car business, beyond the operation of the Commerce Acts.

The answer of the car-line interests to the charges of their critics does not seem to be altogether satisfactory, especially upon the issue that some legislation is needed. Extortion is denied, but what on their face appear to be grossly excessive charges for the service rendered are not explained, and the car companies refuse to go into the question of their earnings. Although rebates are rarely indulged in, no reason seems to be given for practices amounting to discrimination. One of the most important car companies rests its defence principally upon the benefits which have accrued to the shippers of perishable produce from the introduction and operation of this system, and shows that its charges have in some cases of late been reduced. Furthermore, it claims that growers, generally, are satisfied with existing conditions and it produces an abundance of letters to that effect.

That the private-car line system has been of immense benefit to shippers and growers cannot be questioned, but this fact does not seem to justify the conditions which apparently prevail at the present time, and which, in all probability, will continue, unless checked by Congressional action. Charges, though reduced in some instances, still appear on their face to be unreasonable.

The form of legislation most calculated to produce the best results, and which, at the same time, will work substantial justice among all parties concerned, is the Senate Bill which proposes to extend the provisions of the present Commerce Acts to car companies, and thus place them with respect to their special charges under the same restrictions and supervision that railroad companies are now under. This method has not, however, received

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the unanimous approval of the shippers and is objected to by the representatives of the car companies. But the reasons urged by neither side carry much conviction. Many of the shippers object to this method, which makes the car company a common carrier, because it obliges them, in making a shipment, to deal with two carriers instead of one. Some object to thus giving legal sanction to an "iniquitous system," and advocate legislation which will entirely abolish it, and require the railroads to furnish the necessary equipment. The disadvantages of a double-carrier system are not, however, clearly pointed out; and the extermination process involves both the abolition of an established enterprise which has been an important factor in the development of the commerce of the country, and the imposition of an undertaking upon the railroads, impracticable to begin with, and which cannot but result in great economic waste. The representatives of the car lines object to the proposed legislation on the ground that the service for which these special charges are made is not interstate commerce, but merely an incident to commerce, and it is, therefore, neither right nor proper to single theirs out for regulation and not include many other enterprises engaged in rendering similar service, such as drayage and cartage companies, cab companies, coal companies supplying coal to locomotives hauling interstate freight, and others of a kindred nature. Some doubt is also expressed as to the power of Congress to regulate such a service if it be merely an incident to commerce. Whatever merit may attach to these various arguments, there is this to be said, that the situation seems to demand some Congressional action, and it is reasonable to believe that the one suggested will work the same reforms in car-line charges, both as to extortion and discrimination, as the present Commerce Acts have in railway rates.

The clearer one's understanding of the "railroad problem," the closer is one drawn to the conviction that any revolutionary form of legislation is uncalled for by existing conditions; that such legislation would be most ill-advised; and that the position, in general, of the Senate, though robbed of some authority by the identification of that body in the popular mind with railroad interests, will nevertheless commend itself to thoughtful people as the only logical one, unless, indeed, some middle ground, which has not yet been suggested, shall be worked out.

J. WALTER LORD.

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SIR HENRY IRVING.*

BY L. F. AUSTIN.

ONE night last June, the walls of Drury Lane Theatre resounded with such acclamations as that old playhouse has seldom heard in all its history. A solitary figure stood in front of the curtain, listening with a grave smile to the enthusiasm which seemed to have no end. It was Sir Henry Irving taking leave of the London playgoers on the last night of his season, a season made memorable at every performance by scenes very similar to this. "You are all very young," he said, when the audience would let him speak; and, indeed, to a veteran actor, near the end of his career, the youth of this vast assemblage must have been singularly gratifying. Every night Drury Lane had been thronged with young people. The younger generation had knocked at the doors in a sense quite different from that of Ibsen's famous saying. They had come in thousands, not to tell the old actor that his day was done, that his methods were outworn, that he must yield his sceptre to another, but to swear fealty to him, to crown him with fresh laurels, to thunder his praises with passionate emotion.

Thus spoke Drury Lane. It carried some of us back to the days when we also were young, when this actor was carving his way to fame, and when we clamored our best to help him. From 1905 my memory retraced the course of time to 1873, the year when I was first a pittite at the old Lyceum. How we jammed the pit to see Irving as Eugene Aram! As a haunted murderer, he had made his great success in "The Bells": here was another in the same line. In the first act, he was the melancholy

* This article was completed by Mr. Austin but a few days before his sudden death, and was written in the expectation that it would be published, as originally intended, on the occasion of the late Sir Henry Irving's projected visit to the United States in 1906.—EDITOR N. A. R.

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wooer of the parson's daughter in the peaceful vicarage; in the second, the bones of his victim were exhumed, and he shrank from looking on them; in the third, he confessed his crime to the girl in the churchyard, and enacted it over again with tremendous effect. The victim, of course, had been a most unworthy person; we pittites could see that with half an eye; the displacement of his bones was a provoking accident, but for which the vicarage romance would have run quite smoothly. Irving threw such passion into the enactment of the murder before the terrified Ruth, that we were thrilled with sympathy. We gloried in being accessories after the fact.

Later came "Philip," another haunted-criminal play, wherein a Spanish gentleman of fiery temper shot his brother after much provocation. Over the dead man's face the remorseful Cain reverently drew his cloak, and then stole guiltily away, followed by our vehement plaudits. He who knows not what it is to revel in deeds of blood on the stage, when they are done with distinction, and when the doer carries about with him an abiding sorrow that makes him a romantic figure, has a poor experience of life's pleasures. Philip had not slain his brother after all. That graceless person turned up again, and made love to Philip's wife. Suspicious of some intruder on the premises, the jealous husband ordered the doorway of the room where his brother was in hiding to be walled up, when lo! a repentant apparition, eager to affirm that a brother's blood had not been shed, or, at any rate, that enough remained to justify a fraternal embrace. It was not a very good play; its note was not particularly fresh; still, the imagination of the actor, his sovereign quality, presented the idea of the haunted man with undiminished glamour.

But what of his future? Some critics predicted it freely enough, to the indignation of us youngsters in the pit, who glowered at all the bald heads in the stalls, suspecting that every man with no hair to speak of wrote like a cynic in the papers. He was a very good comedian, said those critics of Henry Irving; witness his Digby Grant in "Two Roses"; that eccentric old gentleman who supposed that delicacy of feeling could be rewarded with "a little cheque." He was a good melodramatic actor; witness Mathias, and so forth. His Charles I was not melodrama, to be sure; the critics did not know exactly what it was; they admitted, however, that it was a picturesque character, full of dig-

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nity and tenderness. But we were not to imagine, for one moment, that the actor who had done these things could succeed in the dear old "legitimate." That was reserved for tragedians who belonged to a "school"; whose style had broadened slowly down from precedent to precedent; whose elocution rolled on like Byron's ocean; who had no angularities of deportment, like the ambitious gentleman at the Lyceum; who gave you Nature in her majestic mood, with an imperious roar and an earth-shaking stamp. These old tragedians loomed chiefly in our fancy and in the annals of the stage, for their school was no longer on the scene. But Phelps was still alive; the august shade of Macready was not too remote for a critic with a bald head; and, when the audacious Irving appeared as Richelieu, the sheeted dead, you might say, did squeak and gibber in the London streets.

What a "first night" that was in 1873! I can still see the bald heads growing crimson. They remembered Richelieu, a very different personage from this presumptuous innovator. We had never seen Richelieu before, but had a triumphant assurance that here was the very man. Excellent figure of the "legitimate," this Cardinal of Bulwer's! Was ever such wiliness, broad, underscored, capital-lettered, so plain that owls might see it by day? But, to be sure, Irving's wiliness was not broad enough for the critics who had memories. Hitherto he had been his own standard; he was now at grips with the Past. Is it ever easy for the old playgoer to hail the merit of the new actor, playing the familiar parts with unfamiliar method, with new and disturbing insight? We associate the characters of the drama, the characters that really live, with some personality of the stage who has made a lasting impress on the imagination.

When, at length, Henry Irving came to play Hamlet, it was a far more serious affair than Bulwer. Cradled in melodrama, his ambition aspired to the lawful line of succession in Shakespearian acting, as though he had been born in the purple. It was not so much that he offended the memory of some particular Hamlet. But Hamlet was a classic, shrined in tradition, guarded by the embattled phalanx of the old school. Here was an actor who put life into the revered abstraction, made the heart of its mystery glow with a romantic flame, interpreted the play of intellect and the depth of passion with equal mastery; and was, in fine,

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the veritable Hamlet, in his dignity, his melancholy, his humor, his blasting irony, in all that was lovable in his nature.

I have seen lots of Hamlets since. I have sat in a theatre where the partisans of the Hamlet then upon the scene, and the partisans of some other Hamlet fortunately absent, have almost come to blows. I have known friendships chilled, and hearths made desolate, by the factions of the inky cloak. Anybody may be Othello or Macbeth without breaking up our happy homes; but do you dare, sir, to maintain that the Hamlet you admire is to be mentioned in the same hemisphere with the glorious being who trod the battlements at Elsinore when I was a boy? Then have at you, sir! This is why I do not enumerate those other Hamlets. But to my thinking, I have seen only one inspired Hamlet, only one actor who was born Hamlet; the rest have worn the inky cloak and the dejected 'havior of the visage; but none of them could say with conviction: "I know not seems."

This may stir up anathema in some quarters; and I should be rather glad if it did, for the present generation is in peril of a declining taste for theatrical controversy. Whenever Irving essayed Shakespeare anew, the battle raged as fiercely as ever. Macbeth, now—ah! the first night of his Macbeth; that was something like a tourney. There was a little piece before the tragedy; the queer old custom of prefacing Shakespeare with a farce, as if to fortify our spirits, was not yet dead. None of us had ever seen Macbeth; and we beheld him now as a murderer, a conscience-stricken ghost-seer, who plucks up his soldierly nerve only in the last act; in a word, the haunted criminal of the early Irving play. His martial deeds were talked about; but, until he resolved to die with harness on his back, you would never have thought he had the spirit of a warrior. The enemy blasphemed like anything; they said that Shakespeare never drew such a craven; Macbeth was a lion-hearted man, who could not have made this pitiful spectacle after Duncan's murder, his knees knocking together with abject fright. Macbeth was an heroic part; was this the heroic way of playing it? We had our misgivings; it sounded so natural that heroes should be represented heroically. But was that Shakespeare's view? Heavens! how we read our Shakespeare, and set what the "bleeding sergeant" says of Macbeth's prowess on the battle-field against the deadly insults to his manhood from the lips of his wife! Irving's con-

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ception was right; and Macbeth, a bloody-minded villain with a turn for poetry and philosophy, and a paralyzing dread of ghosts —"Take any shape but that!"—must be deposed from his heroic state.

Of course, you must not insist too strongly on the meaning of Shakespeare, even when you know what he does mean. Salvini's Othello, who dragged Desdemona about by the hair in the mad frenzy of a jealous animal, was scarcely the Othello of Shakespeare, calm and sacrificial. But he was a prodigy of superb force. Fanny Kemble, when she saw Irving play Shylock, is reported to have said: "If Shakespeare could see this, he would rewrite the part." If the Shylock of the early stage tradition was the Shylock that Shakespeare did see, the comic Jew in a red wig and a false nose, he could not have been very sensitive about the acting of his characters. The dramatist who created Portia and Rosalind, and saw them played by boys, must have been content with strange illusions. The low comedian, as Shylock with red hair, tickled the groundlings, who had not the faintest suspicion that Shakespeare had made out the strongest vindication of the Jews against their persecutors. Did nobody in his day listen to Shylock's fierce irony with an inkling of the truth? "If you prick us, do we not bleed? If you wrong us, shall we not revenge?" The Jewish answer to Christian villainy was to "better the instruction"; hence the famous bond, a pound of Antonio's fair flesh. Perhaps the absurdity of a contract, wherein a subtle and crafty Jew was made to overreach himself so grossly, was the poet's concession to contemporary prejudice. Perhaps it never struck him that no man, least of all Shylock, could imagine that the law of Venice or any other state would allow him to exact such a forfeit from a debtor. When Portia condescends to come to the point, it is not her silly juggle about the shedding of one drop of blood that determines the cause; it is the obvious argument that no Jew, under any bond whatever, can be allowed to contrive against the life of a citizen. If cutting a pound of flesh off a gentleman's person is not contriving against his life, what is it? Imagine a Duke of Venice to whom this had to be pointed out! Shakespeare did not care; he took the story as he found it; and he had his recompense, perhaps, in the delight with which the populace greeted the discomfiture of the droll comedian with the preposterous nose and the inflamed wig. The

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trial scene must have been very humorous in those far-off days, when the serio-comic brutality of the Jew was outwitted by a lively boy making believe to be a young woman masquerading as a Junior Counsel of the Padua Bar, and instructing an incredibly ignorant Venetian Magistrate in the elements of law and common sense. The rigors of the fun, I dare say, were mitigated as time went on, when the Jew became less grotesque, and Portia was really a woman, though rather a pompous lady, as pompous as Fanny Kemble herself. With Henry Irving as Shylock, and Ellen Terry as Portia, the course of evolution was complete. It was not in the malignity of his premature triumph that Shylock was great; it was in the splendor of his ruin, in the pathos of the broken old man tottering from the court. The Victorian playgoer sat in awe at the very moment of the story when the Elizabethan playgoer had burst into rude rejoicing.

"The Merchant of Venice" has been the chief monument of twenty brilliant years of Irving's management at the Lyceum. The dear old "legitimate" had a splendid home; and the friends of its palmy days, who had wept for its decline, began to cheer up a little, although they shook their heads at the scenery. People, it was said, went to the Lyceum to look at the scenery, and not at the acting. Heaven knows what takes some persons to the theatre; it is certainly not the play. You cannot tell why others buy books; it is not to read them. But vast numbers who had held aloof from theatres in earlier times flocked to the Lyceum, because they found so much there to gratify an intelligent taste. What Henry Irving did most notably was to bring serious people back to the acted drama. The mind that shaped every detail of a production, and brought the beauty of scenic effect into harmony with the comedy that was enacted at Venice or Messina, knew the secret of the grand style. Stage-carpenters had erected imposing structures elsewhere without captivating the public; but these were structures with no artistic suggestion to give them atmosphere. It was distinction that reigned on the Lyceum stage, not expenditure. You had the life and color of Bassanio's world, with Shylock's grim dwelling in the Ghetto over the bridge, so strongly in the memory that, in Venice, the whole scene came back to you; and the bridge itself, with the sculptured faces of a humorously Semitic cast, under which you pass from the Grand Canal, had surely echoed the footsteps of Shylock when he

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returned to his house to find that Jessica had fled with her Christian lover. Who has walked in Venice without the Lyceum pictures rising in his mind? I recall those pictures, not on account of any scenic magnificence, but because they live in the imagination together with the noble figures that moved in them; just as I recall the cuckoo-clock in the simple interior of Dr. Primrose's parsonage, because it reminds me of the old Vicar, one of Irving's most admirable impersonations, making the inventory of his household gods when misfortune had overtaken him.

It is said that, as a manager, Sir Henry did much for the stage, but very little for the modern dramatic author. This is true; but, in a policy of poetic drama largely Shakspearian, the modern author could not have a conspicuous place. It would have been deeply interesting to see Shakespeare at the Lyceum alternating with a comedy of our own day by Pinero; to see Irving exchange his doublet and hose, or the ecclesiastical robes of a bygone age, for the garments which are worn by dramatic personages who have chambers in the Albany. As a matter of fact, I do not think he appeared in any modern costume on the Lyceum stage more than once in twenty-five years. In a dramatic sense the clothes would have been too small; he was too big a personality for the English comedy of our day; he would have looked like the spacious times of Elizabeth cribb'd in a Mayfair drawing-room.

Poetic dramas of all eras used to pour in at the Lyceum; a rage for historical characters possessed many persons in all ranks of life; it was quite a common thing for a man engaged in some humble but exacting avocation to toss off a five-act play in blank verse on the subject of Savonarola, and to intimate that on the Lyceum stage the success of this modest effort was certain. Unknown authors were resolved not to hide their lights under bushels; but they sent the bushels in, and there was no illumination. One illustrious hand wrote dramatic verse to some purpose. Tennyson's "Queen Mary" and "The Cup" were played at the Lyceum; and had Tennyson lived to see the production of "Becket," he would have been a gratified man. Mr. George Meredith tells an amusing story of a walk he took with Tennyson one day, when the bard was very silent and gloomy. They walked several miles, and suddenly Tennyson growled, "Apollodorus says I am not a great poet." This critic was a Scottish divine, and neither his name nor his opinion was of much

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consequence. Mr. Meredith said something to that effect; and Tennyson retorted, "But he ought not to say I am not a great poet." That was the entire conversation.

Had Apollodorus said that Tennyson was not a great dramatist, he would not have outraged the heavens. When he thought of the stage in the last months of his life, Tennyson was rather embittered by the failure of that luckless piece, "The Promise of May." "But Irving will do me justice with 'Becket,'" said the poet. Justice was done indeed, and something more. After twelve years Sir Henry has been playing "Becket" again, and the spell of his personality has never been so commanding. The actor who gave us thrills thirty years ago as the haunted criminal, can do what he wills with us as the mediæval fanatic and martyr. By the cold reading of history I judge Becket to have been an obstinate bigot, resolute to protect a dissolute clergy against the laws of the realm, prating of "God's honor" when he meant his own authority, and drunk with the power which the Middle Ages gave to the priest who wielded the ban of the Church. You can read Tennyson's drama, and still have that idea of Becket very strongly in your mind. But not when you see Irving in the part; then the grasping prelate is transfigured; he is a sublime protagonist in the great conflict of Church and State; his martyrdom has a beauty of sacrifice which sums up all that the saints endured; and the accusing voice of history is stilled. The imagination of the actor has never had a greater triumph; he seems born to impersonate ecclesiastics, great Princes of the Church in all ages, and country parsons like the Vicar of Wakefield. Then you remember his sinister monarchs, his Richard and Louis, the flamboyant quality of some characters, the delicate detail of others; such a portrait in miniature as Corporal Brewster, finished to the point where it is just divided by a nicely calculated shade from painful realism. One remembers these figures with some appreciation of their diversity, looking back upon the range of art this remarkable personality has compassed.

For the actor's calling, Sir Henry Irving has done more than any of his great predecessors. None of them ever watched over its interests with his jealous care. He has combated prejudice with so fine a temper, and pursued his art with so true a service, that the public on both sides of the Atlantic has come to rank him high among its worthies; and people to whom the theatre

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makes no appeal hold his name in honor. The personal magnetism of any remarkable man is best attested by its influence upon his eminent contemporaries. In Henry Irving's case, it is illustrated through some of the foremost men of his age. The Emperor William, when he met the actor, betrayed a certain preparation for the occasion; before a word could be said by way of introduction, he launched into an eloquent exposition of Shakespeare, which, I am told, threw a dazzling light on several obscure problems. Mr. Gladstone was attracted in a different way. At one period, when he was not burdened by the cares of office, he was fond of watching the performances at the Lyceum from a chair in the "wings." One night, when the stage was set for the opera ball in the "Corsican Brothers," his curiosity led him into one of the boxes for spectators in the scene. Up went the curtain; Mr. Gladstone was at once descried by the pit and greeted with shouts of joy, which caused him hastily to withdraw. This was his first and only appearance in the drama, outside of the dear old "legitimate" at Westminster. The magnetic influence of Irving induced him to give a singular performance even there. He took the actor to the House very late one evening, put him under the Gallery, and sat with a grim, impassive air on the Treasury Bench. Suddenly, without apparent reason, he leaped to his feet, and delivered an impassioned speech, set off with all the expressive and dramatic gesture for which he was so famous. The House seemed surprised; Members looked at one another, and murmured: "What is the old man up to now?" They thought it was some deep, political game. But, a week or two later, a friend of Irving's, encountering Mr. Gladstone, mentioned the actor's visit to the House, and Gladstone eagerly inquired: "What did he think of my speech? *I made it for him!*"

Never in the least suggesting the traditional player's manner off the stage, Irving has always impressed most people, I think, by an indefinable air of authority. A stranger, meeting him for the first time, might take him for an experienced diplomatist, with that sardonic humor which springs from a diplomatic knowledge of human nature. Presently, the observant stranger would detect in him the humorist, with the true humorist's kindly eye for the affections as well as the failings of his species. There has never been in Henry Irving any pose of any sort, but always a fine simplicity; a quietly impressive suggestion that the

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head of the dramatic profession took that profession seriously, and exacted on its behalf the respect that was due to his own personal character. This may partly explain why he fascinates liberal-minded Bishops, and has a strong following among the junior clergy. Even Non-conformist divines have sat at the Lyceum without attempting to disguise their edification; and one of them—a famous preacher now dead—was plainly inspired in his purely dramatic moments by the secular pulpit in Wellington Street.

Long before Irving received his knighthood, the late Queen desired to confer that distinction upon him. This was as far back as 1883. He was about to pay his first visit to America; and the Lord Chief Justice, Lord Coleridge, who presided at a dinner that was given to him by a distinguished company, suggested this as an admirable occasion for announcing the signal mark of the Queen's favor. But, with his characteristically subtle sense of fitness, Irving felt that his first appeal to the American public should be made entirely on his artistic merits, without the shadow of a suggestion that he sought to influence the judgment by such a decoration. It was a delicate position; the favors of the Sovereign cannot be lightly put aside; but the choice was characteristic of the man. Since then, the American people have given him many proofs of their warm regard; and few ambassadors have done more than he to make good-will between the two nations. More than twenty years have passed since he set an unfamiliar foot on the shores which have become so friendly. There have been many changes; the ranks of the old players are sadly thinned. The melancholy grace of Edwin Booth is a beloved memory; Jefferson will delight us no more. Who that saw them can forget the brilliant nights at the Lyceum long ago, when Booth and Irving played together in "Othello," and that tragedy was represented with a general excellence such as no man had ever known? Henry Irving may be called the last of the Old Guard, crossing the ocean once more to bid farewell to the great people who have made him one of themselves for a generation. And when the moment comes for another leave-taking, and we on this side must say our own farewells to him at the close of his public life, they will mingle with echoes of friendship and regret from a throng of American hearts.

L. F. Austin.

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WORLD-POLITICS.

LONDON: ST. PETERSBURG: MADRID: WASHINGTON.

LONDON, *October, 1905.*

IT will hardly surprise Americans to learn that people in England have followed with a painful interest the successive batches of insurance "revelations." It would have been extraordinary had they not done so. From the moment of the first public dissensions in the management of the Equitable, it was felt that events of great dramatic and spectacular effectiveness were about to take place. That anticipation has been in no wise disappointed. Subsequent developments—the fight between the Hyde and Alexander factions, the astounding recriminations that were bandied to and fro and faithfully reported in the English press, the report of the Frick Committee, the sale of the Hyde stock to Mr. Ryan (of whose personality and motives Englishmen are desirous of knowing more), Mr. Morton's appearance as President of the Equitable and his drastic schemes of reorganization, Mr. Cleveland's appearance as one of the trustees of the Ryan interests, the gradual widening of the area of suspicion until the three leading insurance companies of the world seemed to be the defendants on a common charge of wrongdoing, the Hendricks inquiry, the implication in what was now perceived to be an almost national scandal of many names well known and heretofore highly honored in England, and, lastly, the legislative Committee of Investigation and the amazing testimony that has been laid before it—all these incidents, which to Americans on the spot must have excited breathless interest, have fixed and held the wonder and the attention of England. That would have been the case to some extent had the chief country affected been France or Italy or Spain, and had Englishmen possessed no direct and personal interest in the matter at issue. But, as there are many tens of thousands of

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Englishmen who are policy-holders in the companies whose methods have been impugned; as the Mutual, the Equitable, and the New York Life are only less well known from Land's End to John o' Groat's than from New York to San Francisco; and as anything that deeply concerns America must and does concern England scarcely less deeply, English interest in the whole affair, and English speculations on its possible outcome, have been genuinely keen and sustained. The evidence tendered to the Committee has been reproduced at unusual length by the leading English journals and has been the inspiration of many newspaper and magazine articles; and it is difficult to go about anywhere without hearing it discussed, as a matter of international interest.

The disclosures have dealt a staggering blow at America's reputation for commercial and financial honesty. The "moral obliqueness," to adopt the phrase of the Frick report, revealed by the investigation, has unmistakably shocked the sense of Great Britain and, indeed, of all Europe. A stock-exchange swindle is bad enough; a Panama affair, in which politics and finance combine to defraud the public, is worse; but most demoralizing of all is the faithlessness of men of great wealth and high position to a fiduciary trust. English opinion somewhat emphatically agrees that the spectacle of the directors of a world-wide insurance company using the accumulated savings of millions of policy-holders for their own private gain, cannot be judged by the same standards as are applied to the heads of a purely commercial concern. That may not be sound ethics, but it is human nature; and there can be no question that the disgusted indignation with which Americans have received this exposure is fully shared in over here. No American utterance on the subject has attracted more attention than Dr. Butler's at Columbia University. "Just now," he is reported to have said, "the American people are receiving some painful lessons in practical ethics. We have been watching reputations melt away like snow before the sun, and the sun in this case is mere publicity. Men who for years have been trusted implicitly by their fellows, and so placed in positions of honor and grave responsibility, are seen to be mere reckless speculators with the money of others, and petty pilferers of the savings of the poor and needy. . . . Put bluntly, the situation confronting Americans to-day is due to lack of moral principle. New statutes may be needed, but statutes will not put moral principle where it

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does not exist. Greed for gain and greed for power have blinded men to the time-old distinction between right and wrong." As an expression of both fact and opinion, that exactly squares with English views. Most of the English criticisms I have read or heard are, at any rate, equally severe. If at the same time they show a little more censoriousness, the temptation, it must be owned, is strong. And if they also show a tendency to wander off into general speculations on the "decline of the American character" or the "effects of materialism upon Americans," it has likewise to be admitted that they are able to buttress their case with an appalling list of American scandals taken from the records of the past three or four years.

With the moral side of the problem the English policy-holders confess themselves unable to deal. That can only be done by the Americans themselves and by the force of American opinion; and the task involves the creation of a new business "atmosphere." But it is felt very strongly over here that certain legislative and administrative reforms can be accomplished which would second the influence of public opinion. A good deal of criticism, for instance, has been aimed at the whole system of deferred dividends, at the vast accumulations it necessitates and at the temptations to which these huge surpluses expose the company officials who have the investing of them. Again, the English policy-holders are doing a good deal of growling over the extravagant salaries and commissions paid to officers and agents. No other insurance companies in the world allow their administrative expenses to bear anything like so high a ratio to their income as the American companies have been proved to do. It is suspected over here that their directors are obsessed with a mania for mere bigness and are inclined to stretch more than one point in order to get "new business." Much, too, as Englishmen admired Mr. McKinley and much as they admire Mr. Roosevelt, it gives them a curious sensation to learn that their premiums have been used to insure the election of any Presidential candidate. These are all points that are freely criticised; and the English insurance companies, who have felt severely the ravages of American competition, take care that the moral of them is well rubbed in.

But what has most surprised the English policy-holders in these colossal concerns is the light that has been thrown on the realities of State supervision. Practically every Englishman

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who has been approached by an agent of an American insurance company and has been told by him that its workings were regulated or at any rate superintended by State officials, has assumed offhand that Federal and national control was what was meant. It is only now that he is beginning to realize the amazing legislative chaos in which the American companies are compelled to do business—the superintendents appointed by the State Governors for political reasons and without reference, presumably, to the degree of their acquaintance with insurance problems; the laws and regulations that vary with each State; the taxes imposed by State legislatures to the amount of $10,000,000 a year, taxes on thrift, as they appear to English eyes; the truth of Mr. McCall's assertion that three-fourths of the bills dealing with insurance that are introduced into the State legislatures are nothing more or less than blackmail bills; and the extraordinary opportunities for "graft" that such a system must present. This has been the greatest revelation of all—to learn that the much-trumpeted State supervision, so far from being a safeguard for the interests of the policy-holder, but too often works out in practice as a plot against those interests. That the companies should have found it necessary to employ agents and lobbyists for the special purpose of "squaring" predatory legislators strikes Englishmen, under all the circumstances, as somewhat more natural and inevitable than reprehensible. Directors who call in the aid of corruption to defeat injustice and to head off avowedly fictitious assaults upon the interests of their policy-holders, may successfully plead at the bar of English opinion that the system is to blame, rather than themselves.

As for the remedies to be applied, Englishmen, confronted with the intricate inadequacies of the American Constitution, hesitate to suggest any. But there cannot be much doubt of what the policy-holders in this country would like to see done. They would like to see the whole system of State supervision and State laws swept away and replaced by a single uniform law enforced by permanent Federal officials. Whether such a solution is possible under the American Constitution or not, they frankly do not know; but they are encouraged to believe that, although so simple and self-sufficient, it will not be frowned down upon by the Supreme Court; or that, at the very least, some form of Federal licenses and Federal supervision will be the issue of the

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present complications. In other words English policy-holders look to Mr. Roosevelt to restore the moral credit of the American insurance companies, and to devise preventive measures that will make it impossible for such abuses to arise in the future as have been laid bare during the past few weeks. It is assumed very widely that he will find something in the task peculiarly appealing and congenial. Englishmen have more and more been working round to the conclusion that the basis of Mr. Roosevelt's whole economic policy is a moral basis; that he desires a revision of the Dingley rates less as an expert economist than because he feels that Protection is being twisted from a fiscal device into one of the props of the plutocracy, and therefore offends the doctrine of the "square deal"; that he advocates Federal regulation of railroad rates, not because they are too high, but because they are too high to one person and not high enough to another—in other words, because they discriminate unjustly; and that he proposes to bridle the Trusts, not so much on purely economic grounds as because he believes them to militate against his ideal of a fair chance for all. It is difficult for Englishmen to imagine Mr. Roosevelt as seriously wrapped up in the study of specific and *ad valorem* duties, or of the intricacies of transportation, or of the severely technical side of the Trust problem. On the other hand, it is very easy for them to imagine him profoundly stirred by the injustices and the oppression to which a one-sided competition almost inevitably gives rise. In their view, what Mr. Roosevelt aims at, above everything else, is the reformation of corporate morals, the raising of the standard of general commercial honesty.

I have ventured to go into this matter at some length, partly because it has powerfully engaged the thoughts of Englishmen, and partly in the hope of emphasizing the fact that it is not a purely American concern. There can be no use in disguising the conviction that some of the leading elements of American civilization are, as it were, on trial at this moment in the court not merely of English but of European opinion. The verdict of that court can hardly be other than unfavorable; but that the reproach of it will swiftly be wiped away nobody in this country who really knows America doubts for a moment. The process of living it down may be completed all the sooner if Americans realize, what undoubtedly is the fact, that every phase of it will be watched by Europe with a friendly, but somewhat anxious, solicitude.

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ST. PETERSBURG, *October, 1905.*

EVERYBODY admits that political life in Russia has become a disease. What people differ about is the way of treating it successfully. Here the differences touch every extreme of sentiment as well as conviction. For, while the authorities are firmly convinced that the institution known as "the Imperial *Dooma,*" granted by the Tsar last August, will prove, so to say, a hospital for it, Liberals of the Zemstvo type fear and Radicals hope that the new representative assembly will be no more than a stage on the way to a real revolution. It cannot be gainsaid that the revolutionary theory is more favored by current events than the evolutionary one. The severe crisis through which the Russian people has been passing during the last two years called for swift, effectual measures, whereas the authorities acted slowly, inadequately and contradictorily. Soon after the war with Japan broke out, it became clear that the whole social and political framework of the Empire must be entirely remodelled and reformed if all the miseries which a national upheaval brings with it were to be averted.

But the Government was blind to the fiery finger on the wall. Harsh words and harsher measures were mechanically meted out to the patriotic men whose advice, if followed, would have saved the Autocracy: "rebels and traitors" were the names given them by the highest representatives of the Tsardom in the most solemn addresses to the people, and six months were let slip by before the Government made known its intention to launch out into the way of reforms. But during those six months the world was moving, and new events were almost weekly modifying the condition of things and rendering inadequate, and in some cases even pernicious, the measures which if realized in time would have been sufficient and remedial. This is no figure of speech. History teaches that, whenever an incipient revolution led to concessions which were insufficient as well as tardy, their only effect was to give a powerful fillip to the movement which they were intended to arrest. And the worst of all remedies are not those which fall short of efficiency, but those which come too late. Time which transforms all things, changing generous wine into sharp vinegar, has often turned balsam into vitriol which inflamed the wound it was meant to soothe. Thus, as has been aptly pointed out, the reform accorded by the English Parliament in 1832 fell un-

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doubtedly far short of what the people desired or events called for; but, at all events, it was not too late and there was consequently no revolution. On the other hand, the French constitution of 1791 was in many respects more liberal or even more radical than that of 1848, but then it came too late, after the people had entered upon a course of violence from which they could not be turned back by anything written upon paper.

In Russia, examples of the uselessness of tardy concessions granted by the authorities are numerous and instructive. Thus, before the war began or even soon after it was declared, if Minister Plehve had been dismissed and his place given to Prince Mirsky, the class, then far from numerous, which was clamoring for reform would have been sufficiently satisfied to detach itself from the bulk of the nation, and, as a consequence, the revolution would have been certainly delayed and might perhaps have been wholly hindered. It is an undoubted fact that M. Witté undertook to get all the threads of the movement into his hands if he were invested with power to make concessions to the people; and he further promised to "feed the wolves, yet shield the sheep from harm"—in other words, to satisfy the reformers without sacrificing the autocratic principle. Now, even at that time, this was a very thorny problem, and many were convinced that he would assuredly fail—almost as many as felt that his expedition to Portsmouth in quest of peace was a wild-goose chase. However this might have been no one can now say with certitude; it is curious, however, to note that, all through that troublous period, M. Witté was an advocate of the Autocracy and a firm believer in the possibility of saving it for many years to come. He made the offer repeatedly and risked his reputation on the result. Fate, however, was either very kind to the ex-Minister or very cruel to his sovereign, for Witté's forecast of impending danger was almost openly ridiculed, and the offer of his services rejected as superfluous and even presumptuous.

Then came swift-footed Nemesis and a complete change in the condition of things. M. Witté, learning one morning from the newspapers that an Imperial ukase had roughly brushed away all hopes of reform, combined with the other Ministers to cause an Imperial rescript to be promulgated that very evening undoing what the ukase had done. A few days later he raised his voice in favor of the creation of a representative assembly, a

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Dooma. One of his most venomous adversaries said, in presence of the Tsar: "Most of the partisans of a representative body fancy that it is compatible with autocracy, but you vote for it although you can hardly hold such a view." "Quite true," replied M. Witté; "for me absolutism and a representative chamber are indeed incompatible, but none the less I am in favor of the latter, because the former is doomed. *It is now* too late to save the Autocracy." That conversation was overheard by His Majesty, who has since then been well aware that M. Witté can no longer support the present régime in Russia.

All the measures of reform hitherto meted out by the Tsardom have thus come too late for the purpose for which they were granted. When a man like Count Witté says this, few will be inclined to dispute his word or question his judgment. But they are also inadequate and worse: they are so conflicting as to lend color to the charge of insincerity levelled against their authors by the Liberal press. From the standpoint of the Russian dynasty, what should have been aimed at was reforms sufficiently progressive to satisfy the principal and most influential group of agitators, yet not radical enough to endanger the Autocracy. M. Witté believed he could have devised such, if he had been invested with the necessary powers. To break up the cooperation among the revolutionary classes should have been the aim and object of the authorities, yet they compassed an end the very opposite to this. They bestowed upon the nation certain measures to which they gave the name of reform and imparted the character of coercion. A satire in legislation was the result. A satire which cuts physically as well as morally is not calculated to pacify. It would have been much better to refuse to take any notice of the reform movement, or else to repress it frankly, than to irritate its leaders and weld together its partisans.

The American public will best understand the fatal blunder committed by the Autocracy from a few concrete examples. The most terrible of all the evils which were gnawing at the very vitals of the Russian state was the utter contempt of law which had become universal. The Tsar, his Ministers, the Governors-General, the Governors, the chiefs of police and others could legislate for the people as they liked, while petty Jacks-in-office, receiving salaries of £150 a year, were able to drive a troika through almost any statute of the realm and promulgate tem-

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porary orders which must be obeyed as laws. Consequently, nobody was ever sure of his liberty or his substance. And the most incorrigible offender in all this was the body known as the Committee of Ministers, which used to issue large numbers of laws on its own responsibility and without consulting the Imperial Council. The Tsar, resolving to put legality in the place of the arbitrary will of bureaucrats, issued a law for the purpose, and issued it in the very way complained of as irregular! Nor was this all. The very body charged by him with the framing of measures for the reestablishment of legality was the same Committee of Ministers which had all along been violating the law! In other words the people who took part in drawing up the principle of legality and those who were entrusted with the work of applying it, were the men who had been most conspicuous and most incorrigible in violating the law.

To drive out devils by Beelzebub is at best a hopeless procedure, yet something analogous to that is what took place when the Tsar resolved to inaugurate a reign of strict legality. The Committee of Ministers, which had so often legislated independently of the Imperial Council, laid it down that thenceforward bills must first pass through that Council before acquiring the force of law. And thereupon began a period of illegality for which in modern Russian history there is no parallel. Here are a few of the most important measures which irregularly received the force of law after this good resolution. On January 14th, 1905, a law was promulgated greatly changing the government of Moscow without the consent or knowledge of the Imperial Council. On January 24th, a law was framed and sanctioned changing the administration of the St. Petersburg Province and creating a Governor-Generalship. On March 12th, the special Conference to study the needs of agricultural industry was dissolved without the assent or knowledge of itself, its President, M. Witté, or the Imperial Council. On April 23rd, a law was passed in the same irregular way making all the peasants of disturbed districts liable to pay the damage done by lawbreakers in those districts. On May 16th, and June 4th, a new post of Director of the Police was created and the rights of the Viceroy of the Caucasus were extended, with no questioning of the Imperial Council. On June 3rd, the rights of the Assistant Minister of the Interior were made almost autocratic, by a law which, like all the foregoing,

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was promulgated suddenly and arbitrarily. On May 19th, a most far-reaching measure was adopted in the same irregular manner: a Committee for the administration of agricultural affairs was created, whereby the Ministries of Agriculture and of Imperial Domains were considerably modified. On June 21st, rules and regulations were drafted and sanctioned for the Council of Imperial Defence and the War Ministry was transformed, without the knowledge of the Imperial Council.

That is a long list of deliberate illegalities, and yet it is far from being exhaustive. What it proves is that the Imperial ukases and ministerial orders mean little without concrete guarantees that the law will be respected by the administration, as well as obeyed by the people.

Another point in the ukase, a corollary of the fundamental principle, is the punishment of bureaucrats who violate the law. They are to be made responsible for all illegalities which they commit or connive at. But these are mere words without any corresponding deeds to follow; they may even embody good intentions, but they usher in no change. After as before, the rights not only of individuals, but of whole groups of the population, were violated with impunity. And it never can be otherwise so long as autocracy remains the form of Government. That fact became manifest within a month after the promulgation of the Imperial ukase. The misdeeds perpetrated on "Vladimir's Day" were never expiated: there was no guilty person, no responsible individual or corporation. And soon afterwards a number of similar bloodbaths was arranged throughout Russia, either by the police or with their assent, like the slaughter of Kishineff, Jitomir, Stavropol, Baku. There was no punishment for the offenders, and no redress or guarantees for the people. Again, during the recent peasant troubles the authorities applied corporal punishment openly which the Tsar had only just solemnly abolished amid the plaudits of the civilized world. But no penalty was inflicted therefor: on the contrary, one of the persons guilty—the most responsible of all—was promoted. These things shake the Russian's confidence in Imperial ukases.

The same Imperial ukase of Christmas Day ordered the revision of martial law, or that near approach to it known in Russia as "reinforced protection." In truth, it is the very essence of arbitrary caprice. It suspends all ordinary legislation and puts

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the life, liberty and possessions of the subject in the hands of the bureaucracy. Moreover, it is very clumsy and nearly always unjust. For instance, in Russia, where capital punishment does not exist in common law, a man who wounds or beats any official in the discharge of his duty is liable to death by hanging, and, what is more, the court which summarily condemns him to die cannot modify the sentence, even if there be extenuating circumstances. The Committee of Ministers charged by the Emperor to study and report upon the advisability of repealing that exceptional legislation, gave it as their opinion that it does not attain the end in view, is very irksome to the population and is a constant source of abuses. From this authoritative opinion almost everybody drew the conclusion that it would be repealed at once. But nothing of the kind was even contemplated. His Majesty merely turned the matter over to a special Commission, which, having carefully examined the question anew, strongly recommended that martial law be discontinued. But this recommendation was likewise disregarded; and, although the Government now admits that "reinforced protection" is pernicious and has no redeeming feature, it refuses to repeal it. On the contrary this species of coercion has been extended very largely since the Tsar's ukase.

A Government which thus promises one thing in the most solemn way, and does the opposite with calm deliberation and resolute perseverance, has necessarily forfeited any claim it may ever have had to the confidence of the people. The law was never so frequently or so scoffingly trodden under foot as since the Tsar undertook to have it strictly observed throughout his dominions, nor have measures ever been so diametrically and uniformly opposed to promises. In the same spirit, the scheme for summoning a representative assembly to assist the Government was framed in secret by the men who a few days before had refused to allow a meeting of the provincial marshals of nobility and presidents of the provincial boards on the ground that it would constitute a grave danger to the State. When the project was made known by the "*Novosti*" newspaper, the authorities punished the editor and forbade all other press organs to reproduce it, thus making it clear that they had no confidence in the people or in the representative principle. But it is not of that mistrust, which may be groundless or well founded, that the

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Russian people complain: they object to the profuse professions of confidence in the population which went before it, to the autocratic combination of guile and force.

At present the Russian people are preparing for the elections to the *Dooma,* and are supposed to enjoy, for the time being at least, freedom of the press, freedom of speech, freedom of public meeting. But, in reality, they are in some respects almost as much fettered as they were four years ago. Obnoxious Zemstvo men, for example, are dismissed from their offices summarily and mysteriously; meetings are forbidden, books suppressed, newspapers stopped, prominent Liberals arrested and imprisoned. Here are extracts from one of the press organs which offer a glimpse of the kind of preparations made for the coming elections: "The sittings of the Samara Economical Council of the District Zemstvo have been forbidden by order of the Governor." "The society for mutual help among the teachers of the Province of Voronesh has been dissolved by the Administration." "The projected meeting of the students of the Warsaw Polytechnical Institute, which the Director in the name of a group of the Professors requested the Government to authorize, has not been allowed." "The second volume of the works of Ferdinand Lassalle has been stopped by the censorship." "The members of the Engineers' League, who came together for the very purpose of assisting the Government by advice congruously with the express desire of the Tsar, are now being prosecuted by the Government. There are in all 4,000 persons." "Dr. Lurie of Mohileff has been ordered by the police to betake himself to the desolate wastes of the Province of Archangel, because he raised his voice in favor of the plundered Jews of Mohileff." "By command of Major-General Trepoff, MM. Shack and Zeitlin have been deported to Eastern Siberia for three years." Of indictments, trials, sentence—there is no word. In this way legality is being established!

And the Russian Magna Charta itself, if we may so term the curious document which creates the *Dooma*—framed by the well-known statesman, Pobiedonostseff—is full of tokens of a strong desire to seem rather than to be or do. Thus the assembly which is to represent Russia will in reality represent only the merest fraction of the population. The great bulk of the peasantry, all the urban proletariat and nearly all the less well-to-do population of cities, including the majority of the intelligent classes, will

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be devoid of any share in the elections. They can be neither voters nor delegates. But, in truth, that is of little importance, seeing that the *Dooma* will have no legislative functions. If that institution meant no more than its authors intended it to mean, it would deserve to pass unnoticed. Its importance lies in the fact that it is the casting of the die, the breaking of the ice, the first step on the road to constitutionalism. First steps are always hesitating, the others are more resolute, more steady. Thus as yet there are no guarantees for liberty of the press or of public meeting. But what the Government has left untouched the *Dooma* itself will seek to accomplish, defining rights, advancing claims, clamoring for concessions. In a word, it will be what the Russian nation makes it,—a weapon of offence.

But even the Russian nation has no magician's wand wherewith to create or transform political institutions in the twinkling of an eye. From the clash of opinions, sentiments, interests, will come the motive power of the new régime. The struggle, however, is sure to be long, because autocracy and bureaucracy are resolved to die hard. And, over and above these elements, there is the all-important factor of the peasantry, which, crying out for land, is almost heedless of political rights. At any moment the Russian peasant may rise up in blind wrath and, like Samson, pull down the pillars of the edifice about the ears of himself and his persecutors.

For a moment, it was feared that the Russian Liberals would boycott the *Dooma*, and that the students would refuse to frequent their universities and high schools. And now it is generally supposed that there will be no organized abstention from the elections and no further strike in the highest educational establishments. But, in reality, people and students have merely changed their tactics. They both want a fulcrum and believe that they have found it, the one in the *Dooma*, the other in the Universities. Thus the students have announced their determination to call public meetings in the halls of the high schools, to discuss political subjects there and generally to treat their establishments as seminaries of the revolution; and the delegates or their constituents may be relied upon to treat the new representative assembly in an analogous manner.

The storm, then, is evidently brewing, and Witté is said to be the Æolus who alone can command the winds. Possibly. But

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even he cannot accomplish the impossible, and his friends would be sorry to learn that he had consented to try. Down to the present moment, he has not undertaken to reconcile two contradictories; but any day may bring the news that he has agreed to stem the revolutionary movement as Minister of the Interior and Premier of the first Russian Cabinet; and this task is quite as difficult as the other. His own interests, as well as the interests of Russia, apparently require that he should retire from public life until he can work to some purpose. That time is not yet. To-day he could neither feed the wolves nor save the lambs. If he accept office at the present conjuncture, he will probably have sacrificed himself bootlessly and may have to go back into private life within a twelvemonth, this time for good and all. Patriotism, as well as enlightened ambition, should prompt him to bide his time and keep his powder dry.

MADRID, *October, 1905.*

THOUGHTFUL Spaniards will tell you that a change has come over their country with the close of last century, and that this change has been developing since the accession of their young King. The starting-point of this evolution in national life was the close of the short struggle with the United States and the loss of what remained of their colonial empire. That turning-point in the modern annals of Spain caused a deep impression in the minds, not only of the governing classes of the country, but of the hard-working middle classes and of the masses themselves. It was in some sort a stern submission to what fate had irremediably willed, and a determination to look upon the inevitable as a plausible opportunity for concentrating at home their energies and their resources of all kinds, both too long wasted in the useless struggle to retain their hold upon distant colonies in the New World and in the Far-Eastern archipelagoes. Almost immediately after conclusion of the peace treaty, first a few and then more and more Spaniards dared to speak out what at heart they felt, however sore and resentful—namely, that foreign and colonial foes had rendered Spain a service by ridding her of the colonies that hampered her revival in Europe and in fields of action and enterprise nearer home. This feeling spread widely among the masses and middle classes when they per-

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ceived the first-fruits of the concentration of the resources and energies of the nation in Spain between 1899 and 1905. Much capital had flowed back from the former colonies, especially from Cuba and the Philippines, and promoted a rapid increase in enterprises of every kind—banks, financial establishments, mines, industries, syndicates, trusts, shipping—interests that, developing, perhaps, too rapidly, were led to overproduction, and thus gave rise to local crises at Bilbao, Barcelona, Santander, Cadiz, Malaga. The rebound of the last year of the nineteenth century and of the first few years of the twentieth was a consequence also of the recovery of Spanish credit, effected by a vigorous reorganization of Spanish finance and budgets by the late Señor Villaverde, and by the gallant resolution with which Governments and Parliaments, backed by the press and public opinion, undertook to honor both the domestic engagements of Spain herself, and the engagements that resulted from saddling her treasury and budget with the debts of Cuba and the Philippines, and with the cost of the last and of previous civil wars in the lost colonies. The restoration of Spain's credit abroad and at home, the successful levelling of her budgets with a surplus revenue annually of several millions of dollars since 1900, dispelled the fears of her native capitalists; and they too, large and small, came forward to invest in mines, banks, companies and railways, until the common rate of interest of the state debts fell from over five per cent. to barely four, with a corresponding decline in the rate of capitalization of all Spanish securities in Paris, Brussels, Berlin, Madrid, Barcelona and Bilbao.

It is interesting for Americans to notice that one of the features of the change coming over the Spanish people is their dignified and manful silence about their grievances in the near past against the United States and against their colonies. It is a rare occurrence nowadays to read any rancorous allusion in their press to what their country has suffered at the hands of the Anglo-Saxon Republic, and quite as rare to hear the United States, or even Cuba, reviled in the papers or in private conversation. Indeed it is remarkable how impartially and kindly they have discussed and commented upon the policy of President Roosevelt, and how much they have praised his efforts to further peace between Russia and Japan. In the same way, American citizens residing in the kingdom, or passing through it for travel

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and study, have met with a courtesy, a hearty welcome, very seldom marred by suppressed animosity. No educated Spaniard, and not even humbler subjects of his Catholic Majesty, would have the stranger, the foreigner, believe for one moment that they could bemean themselves by departing from their national traditions of hospitality and chivalrous politeness. The same treatment in this respect has been dealt to Americans of all ranks, and particularly to scientists, professors, students, even to business men, much as foreign competition is dreaded by Spanish industries. The official representatives of the United States have fared equally well, after perhaps some distant courtesy, some coldness and slight boycotting at first, in social circles alone, and not in the official world or at Court and in Court circles. Few representatives of European Powers were more kindly welcomed by Madrid society than the last American Minister, Mr. Hardy, whose hospitable Legation was for several years quite a *rendezvous* of the nobility, the gentry, the political and literary world. He always found successive Spanish Governments disposed to treat the United States, and American interests in general, as fairly as any great European Power. There is every reason to suppose that his recently appointed successor, Mr. Collier, will find as little difficulty as Mr. Hardy in consolidating the existing cordial relations between Spain and the United States.

Many Spaniards have advocated, as the best means of developing the relations between the States and Spain, an understanding or a treaty of reciprocity to increase commercial relations, which have certainly advanced in a remarkable way even without any treaty of commerce. Their contention is that, as the United States already ranks third, being second only to England and France, and far ahead of Germany, Italy, Belgium and Portugal, which come next, in the imports of the kingdom, the State Departments of Washington and Madrid might concert some arrangements to enable American trade to compete still more effectively with the four last-mentioned nations, and even with England and France. These two countries are in possession of nearly three-fifths of the entire import trade, and of nearly half the export trade, of the Peninsula. The United States stands third in the imports of Spain, with $23,700,000 according to Spanish statistics, but the United States has only a little more than $5,000,000 of Spanish exports. In this difference between

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the American exports and imports in Spain lies the chief stimulus, on the Spanish side, for entering if possible into negotiations on the basis of reciprocal concessions. Their idea is that, as the American imports in the peninsula consist mostly of the raw materials for Spanish industries, cotton alone having averaged as high as $18,000,000 out of the total, something could decidedly be done to open the Spanish markets to American manufactured goods and breadstuffs. Concessions might be obtained, if not to enable the American products to be on an equal footing with Spanish industries and agriculture, at least to improve their prospects in competition with the manufactured goods of European nations and with the agricultural products of nations like Russia, Rumania and Turkey, that have so largely contributed in the last decade to make up the deficiencies of Spanish crops. The people and Government of Spain being so evidently willing to meet the United States half-way in any endeavor to promote more extensive commercial relations, it is only natural that they should evince a desire to improve their own exports to the American Republic. They are so well aware that the industries of their country, badly equipped and backward in methods and quality of production, could not for a long time dream of competing with American industries, that it is not in that direction that their demands for concessions would go. They are ambitious of developing the exports of the natural products of their soil, fruit of every kind and especially their wines, and their minerals. Already, in the comparatively small figures of the Spanish exports to the United States, the products of their agriculture, barring breadstuffs, rank first; but they lament the insignificant proportion of their exports of wines to a country where they, rightly or wrongly, imagine they could find by degrees an outlet for the products of their vineyards,which very much exceed the necessities of the home consumption. They aspire to markets, not only in the United States, but also in the Spanish-American republics, for their cheap wines that are at present sent abroad to the value of $10,000,000; whereas, fifteen years ago, before the régime of treaties of commerce and free trade was replaced by reciprocal high protectionist tariffs, Spanish wines used to be exported annually to the value of more than $75,000,000. In those days, France imported from fifty to sixty million dollars of common Spanish wines, to make up the deficiencies of her own vintages and to

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fortify her own clarets, as the Spanish natural wines had a higher alcoholic strength than the French. Spaniards wish to find markets in America for their minerals, as they believe that, if such exports could be increased, the vast mineral wealth, lying waste owing to lack of native capital to work thousands of mines still untouched and owing to lack of proper roads and railways, might be utilized. It will suffice to point out that only 1,868 mines are worked out of 25,000 known to exist and enrolled on the State registers of mining property. The subsoil of the Peninsula is immensely rich in copper, coal, iron, lead, quicksilver and many other minerals. Foreigners, especially English, Belgians, French and Germans, are profitably working mines in several provinces near the coasts, Biscay, Santander, Huelva, Guipuzcoa, Almeria, Cartagena, where the foreign companies themselves have had, in no few instances, to imitate the native and construct their own narrow-gauge railways.

Among the favorable conditions of the situation that might lead up to an understanding between the Madrid and Washington Governments to improve the commercial relations between the two countries, is the fact that the Liberal Party was called to the councils of the Monarchy in June last, and, having secured a majority in the general elections in September, it will undertake this winter the long-announced revision of the tariff. This revision had been mooted and prepared by the Conservative predecessors of the present Liberal Government. A series of suggestions, rather than absolute rules, for carrying out the revision of the tariff of 1892 has been drawn up by an official Junta, chiefly composed of well-known protectionists and of a very few moderate free-traders, presided over by Señor Urzaiz, an ex-Finance Minister of the Liberal Party. The suggestions of this Junta had been embodied in a project of revision by the late Conservative Minister of Finance, who was to have submitted it to the Cortes, when the Conservative Cabinet resigned in June and the Liberals came in and dropped the Conservative tariff revision plan. It stands to reason that, in the present state of opinion in Spain on economical and commercial questions, a tariff revision carried out under a Conservative and consequently ultraprotectionist Cabinet would have produced a tariff more protectionist than that of 1892, which is about to be reformed. Fortunately, however, the suggestions of the permanent Junta of tariff revision are such elastic

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formulas that a Liberal Government, though by no means completely free from protectionist influences, can shape the revision so as to make possible a policy compatible with a régime of treaties of commerce. Such is said to be the intention of the present Prime Minister, Don Eugenio Montero Rios, and of his Finance Minister, Don José Echegaray. During the summer, Montero Rios has assured the representatives of several foreign Powers that he proposes to make treaties of commerce with every country willing to respond to the advances the Spanish Government hopes to be able to make on the lines of reciprocal concessions, like those that some European Governments have made the basis of their recent commercial treaties. He added that he would first have to ask the Cortes for an authorization to carry out the contemplated tariff revision, and that, as soon as the work of revision was over and the new tariff completed, he would be able to approach foreign Governments with a definitive basis for negotiations. These preliminaries would take up three or four months, but he expected to be ready for negotiations before March, 1906; and, in the mean while, there was nothing to prevent an exchange of views on the subject between Spain and other countries. He at the same time last summer allowed it to be known that the Liberal Government did not intend to be either absolutely protectionist or free-trader, but opportunist in tariff and treaty questions, his aim being to conciliate all interests—industries, agriculture and commerce. Afterwards, when the protectionists sent up a very influential deputation from Bilbao and Barcelona to deprecate any departure from the protectionist policy of the last fourteen years, he cleverly replied that the Government would certainly do its best to protect national products of every kind, and at the same time attend to the fostering of all other equally national interests. Everything tends to prove that Spain under a Liberal Government is about to enter upon a new stage of her commercial relations with other countries. It seems really a pity that such an opportunity should be wasted by the State Department at Washington. Besides commercial considerations, it is to be observed that Spaniards point out that their desired extension of commercial intercourse between the two nations is sure to improve political relations, and certain to contribute to the visible subsidence of ill feeling and rancor against America in the hearts of the majority of the people of Spain.

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WASHINGTON, *October, 1905.*

OUTSIDE of President Roosevelt's tour in a number of the Southern States, which, since it began, has absorbed to a large extent public attention, the most interesting topics of discussion in the Federal capital during the last thirty days have been the change in the position taken by the Administration toward Venezuela, and Secretary Taft's announcement that, without waiting for the official report of the recent visit of inspection made to the Isthmus by the Canal Commission and consulting engineers, he should himself proceed forthwith to Colon in order to ascertain at first hand, and be able to tell Congress, just what there is to show for nearly ten million dollars that have been spent since our acquisition of the canal strip. As for the outcome of Judge Taft's personal investigation, there will be time enough for discussing it after it is officially set forth. Meanwhile, we content ourselves with saying that the Secretary will exhibit more than his usual ingenuity if he is able to discover an equivalent for the lavish disbursements made by the Canal Commission in the brief interval between the conveyance to us of the canal zone and the determination of the fundamental question whether we desire to build a sea-level canal or a canal with locks. That primary question is yet undecided, yet almost ten million dollars are gone. There is a strong and growing impression that the reconstructed Commission had better hurry up and define what kind of a canal they want to build, before calling on the Executive for an issue of bonds, or asking Congress for an additional appropriation.

As for the entanglements of the United States and France with Venezuela, these have been to a large extent unravelled by the discovery that the New York and Bermudez Asphalt Company committed an act of incontrovertible treason against the Castro Administration, by contributing $100,000 to the cause of the revolutionists headed by General Matos. It was largely on the score of this act of treason that the company was adjudged by the highest Venezuela tribunal to have forfeited its franchise and other property. Our State Department, so long as it was practically guided by ex-Assistant Secretary Loomis, saw fit to pronounce *ex parte* the American company guiltless of the offence imputed to it, and demanded by a species of ultimatum that the Caracas Government should stultify itself by virtually declaring its highest Court unworthy of trust, through the submission of

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a question involving an infringement of municipal law, and already adjudicated by that tribunal, to arbitration. What would have been thought of the United States in Europe and Latin America, had we used our navy to extort compliance with this demand, and subsequently it had been proven that the American company had really committed the treason charged? That such proof would have been forthcoming we now know, for it has been furnished under oath by General Greene and General Andrews, both of whom have been Presidents of the New York and Bermudez Asphalt Company. It is a great pity that this testimony could not have been spread upon the record before our State Department was entrapped into an act of folly.

Up to the point which the President has now reached in his tour through the South—at the hour when we write, he has traversed Virginia, North Carolina, Georgia and Florida, and has made a number of speeches—he has been received with an enthusiasm which he scarcely can have expected, and has made a notable advance toward the accomplishment of his purpose, which was to assure to his policies and projects the support of the Southern people and of its representatives in both Houses of Congress. He had that support last year for his political rate-making project in the House of Representatives, and, if he can now obtain it in the Senate, it should probably avail, when we consider how considerable a personal following he possesses among Republican Senators, to secure for him ascendancy in the Upper Chamber also. This, undoubtedly, is the motive of Mr. Roosevelt's present visit to the South. He wants to be President, not of a section, but of the whole Republic, and to acquire an influence such as has never been possessed by a Federal Executive since the beginning of Monroe's second administration. That he is in a fair way to acquire it will seem a fair deduction from certain salient facts.

In Richmond, which he reached at noon on October 18th, and where he remained some seven hours, he got a welcome which could scarcely have been more demonstrative and ardent, had he been an illustrious son of the Old Dominion. All the banks, factories, shops and schools were closed, and 15,000 children joined in the greeting to the President. The speech which he read in Capitol Square called forth acclamations, and the remarks which he made at the luncheon given in his honor by the City of Rich-

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mond were repeatedly interrupted by applause, the most striking outburst occurring when, mindful of the fact that he is a Georgian on the mother's side, the President declared with earnestness that the men of Virginia had no more claim to kinship of feeling with Robert E. Lee and Stonewall Jackson than he himself had. Directing attention to the unique good fortune of the United States, Mr. Roosevelt pointed out that, whereas every other great war of modern times had left behind deep-rooted feeling of rancor to keep asunder the combatants, our Civil War had left to the sons and daughters of the men who fought, on whichever side they fought, the same right to feel the keenest pride in the great deeds alike of the men who fought on one side and of the men who fought on the other. He reminded his auditors how, in their own State, around Richmond, stretched battle-field after battle-field, rendered forever memorable by the men who counted death as but a little thing when weighed in the balance against doing their duty as it was given to them to see it. Mr. Roosevelt went on to say that, however great may be the meed of praise which is due the South for the soldierly valor displayed by her sons during the four years of war, even greater praise was due to her for what her people have accomplished in the ensuing forty years of peace. Only a heroic people could have battled triumphantly against the catastrophic conditions with which the people of the South found themselves confronted at the end of the Civil War. For forty years the South has made not merely a courageous, but at times a desperate, struggle for moral and material well-being. Extraordinary has been her success, and the President declared that all citizens of our common country should feel joy and pride in it; for any great deed done or any fine quality exhibited by one group of Americans must, of necessity, reflect credit upon all Americans. The effect produced on the general feeling of a conservative Southern community by Mr. Roosevelt's visit to the capital of the defunct Confederacy, seems to have been summed up by an old citizen of Richmond, when he said that, while he and his neighbors had not liked the idea of the President dining with Booker Washington, they were disposed to forget that incident in the light of his great achievements. Since that time, he said, the people of Richmond had come to look upon their present President as one of the greatest of all Americans; in other words, they had come to rank him

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with Washington and Jefferson, which for Virginians is saying a great deal.

In North Carolina, where October 19th was spent, the President visited seven towns, and made a somewhat prolonged sojourn at Raleigh, the State capital, where he made a second weighty address. After pointing out the high and honorable part which North Carolina had played in American history, he congratulated his hearers on the great industrial activity now shown in their commonwealth, an activity which, as many of our readers will doubtless be surprised to hear, has placed North Carolina second only to one other State in the number of its textile factories. He went on to felicitate his auditors on their recognition of the truth that material well-being, though indispensable as a foundation, can be at best only the groundwork upon which must be raised by education the superstructure of a higher life if a Commonwealth is to stand. He was rejoiced, he said, to note the increasing care and attention applied to public instruction in North Carolina, which, evidently, was alive to the fact that education means the promotion, not only of productive industry, but of the good citizenship which rests on individual rights, and upon the thorough comprehension by each individual that he has not only rights but duties.

A notable incident occurred subsequently at Durham, the home of Trinity College, the trustees of which, it may be remembered, not long ago upheld Professor John Spencer Bassett against United States Senator Simmons, who tried to have him expelled for asserting in a magazine article that Booker Washington was the greatest man, except Robert E. Lee, born in the South for a hundred years. After reading with a significant emphasis the clause from the Trinity College constitution which pledges the institution to inculcate a sincere spirit of tolerance, freedom from partisan and sectional strife, Mr. Roosevelt declared that he knew of no other college in the United States which had so nobly set forth as the object of its being the principles to which every seat of learning ought to be devoted. You stand, he told its trustees, professors and alumni, for academic freedom, for the right of private judgment, for the duty more incumbent upon the scholar than upon any other man, to tell the truth as he sees it; to claim for himself and to give to others the largest liberty in seeking the truth. Before he left the old North State, it became unmis-

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takable that the President had made as profound an impression there as he had made upon Virginia. The Raleigh people declared that no crowd so large as that which there welcomed Mr. Roosevelt had ever been assembled anywhere in the commonwealth on any other occasion. A leading Democratic State official said: "We forgive President Roosevelt for all but one thing—you know what that is—and we will do our best to forget that. He has done greater things than any except two or three of our Presidents."

At Roswell, Georgia, where his mother, Martha Bullock, was born and passed her girlhood, Mr. Roosevelt spent the morning of October 20th, and reiterated what he has often said, that it is his very great good fortune to have the right to claim that his blood is half Southern and half Northern. He recalled that his mother's two brothers had entered the Confederate navy, one of whom, the youngest officer aboard, fired the last shots from the "Alabama," when that cruiser was sunk by the "Kearsarge," while his elder brother, James Dunwoodie Bullock, rose to be an admiral, and, in the President's opinion, came nearer than any other man to embodying in his personal character Thackeray's beautiful conception of Colonel Newcome.

Later in the day at Atlanta, in the Fair-grounds, where, it is computed, some thirty thousand people were assembled, the President made a long speech, in the course of which several important topics were considered, to which we may invite attention on another occasion. We will merely mention here that, after he had set forth his views concerning corporations, emphasizing his belief in the necessity of controlling them, while, at the same time, recognizing the duty of giving wide scope to their activities, and after he had told his auditors not to accuse people of fraud hastily or without good cause, but to smite with the sword of Gideon those found guilty of corruption in public and private life, the outburst of prolonged cheers that followed was punctuated with a shout declaring, "We want you for another term!" The President shook his head decisively. We have never doubted the sincerity of his expressed intention to leave the White House, for a term at all events, after March 4, 1909. Suppose, however, the Democracy of the South should join with the Republican party of the North in insisting upon keeping him in office. Would consistency compel him still to adhere to a refusal?

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